

Interim Regional Integrated Contingency Plan



REGION 6 REGIONAL RESPONSE TEAM (RRT)

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Subpart A. INTRODUCTION :: Section 300.1 Purpose and Objectives

EPA has been delegated the responsibility for the maintenance of the NCP. The NCP requires the development of RCPs and delegates certain responsibilities for the approval of dispersant use, in-situ burning and other oil removal procedures.

The purpose of this RICP is to provide for a pattern of coordinated and integrated response to protect public health and the environment from damaging effects of a discharge of oil or release of hazardous substances, pollutants, and contaminants.

It provides for timely and effective coordination and direction of Federal, State and Local response systems, and supports capability by the private sector to handle such incidents.

This RICP provides information that will allow a FOSC and other emergency response personnel to quickly plan and organize a response to an oil or hazardous materials incident.

This RICP fulfills the requirements of the NCP for both RCPs and ACPs, and includes references to relevant portions of the NRF, particularly Emergency Support Function #10 Hazardous Materials.

This RICP was developed to be implemented in conjunction with other sub-area plans, state response plans and LEPC emergency plans. In addition to industrial FRPs and LEPC Plans, the RICP (through its ACP Annexes) includes data on vulnerable resources, potential pollution sources, cleanup equipment, environmental features and other pertinent planning and response information.

Subpart A. INTRODUCTION :: Section 300.2 Authority and Applicability

The NRS is implemented through a collection of plans. The plans which provide response authority and applicability at the regional level are mandated by the NCP.

Section 4202 of OPA, which amends Subsection (j) of Section 311 of the CWA and Section 300.324 of the NCP, requires the development of ACPs to provide response to a worst case discharge.

The President of the United States delegated responsibility for amending the NCP to EPA, which coordinates activities with members of the NRT prior to publication for notice and comment.

There is additional coordination with FEMA and the Nuclear Regulatory Commission in order to avoid duplication or inconsistency in planning. The ESF-10 components of this plan are required by the Robert T. Stafford Disaster Relief and Emergency Act (Public Law 93-288), as amended.

The NCP [(Section 300.210 (b))] calls for the establishment of a nationwide system of RCPs based on Standard Federal Region 6, which includes the states of Arkansas, Louisiana, New Mexico, Oklahoma and Texas. This plan is applicable to response operations taken by all Federal, State and Local agencies within Standard Federal Region 6, pursuant to the authorities under CERCLA and Section 311 of the CWA, as amended.

Because the NCP is found at 40 CFR Part 300, it provides authority for direct Federal response to spills of oil and hazardous substances discharges when necessary rather than being strictly a support plan for responses by State and local governments.

This regulatory base makes the NCP unique because it carries the force of law and identifies statutory requirements for response and preparedness.

This RICP follows, to the greatest extent possible, the format of the NCP and was developed to be implemented in conjunction with applicable sub-area plans, state emergency response plans and EPCRA local emergency plans.

Local plans include data on vulnerable resources, potential pollution sources, cleanup equipment, environmental features and other information that will allow Local Incident Commanders, State, and/or FOSCs to quickly plan and organize a response to a pollution incident.

The purpose of the plans is to provide guidance and organization for a coordinated emergency response to oil discharges or hazardous material releases. The plans are to be developed through an AC composed of representatives of federal, state, and local government as well as public/private interests. ACs are to be chaired by a FOSC from either EPA or USCG.

This RICP applies to and is in effect for discharges of oil into or on the navigable waters of the United States. Navigable waters include adjoining shorelines, waters of the contiguous zone, waters of the exclusive economic zone, and waters of natural resources belonging to, or under the direct management authority of the United States.

This RICP is also applicable to releases into the environment of hazardous substances, and pollutants or contaminants which may present an imminent and substantial danger to public health or welfare.

This RICP can provide for response to oil discharge or hazardous substance releases through:

- activation of governmental response organizations establishment of governmental contingency plans
- provision of procedures for response removal actions (under CERCLA) provision of procedures for involving state government and other entities in response coordination listing of federal trustees for natural resources
- provision for compilation and distribution of the administrative record of the response action
- provision of procedures for the use of dispersants and other chemicals during removal actions

All response actions specific to shared geographic regions will be coordinated at the federal level.

EPA Region 6

The RICP takes into account contingency plans such as:

- the JCP between Mexico and the United States;
- the NRF Emergency Support Function #10;
- ACPs developed for inland and coastal areas under OPA of 1990;
- the Federal Radiological Emergency Response Plan

State

All states within Region 6 have similar legislation for implementation of plans coordinating response to oil or hazardous material releases or discharges. State authority may be autonomous or may be part of a federally-delegated mandate.

Local

City, County, and Parish jurisdictions within EPA Region 6 may have regulations or ordinances for the release or discharge of oil or hazardous materials. Enforcement of these regulations may be accomplished through local level contingency plans. Authority for any local plan will not supercede state or federal authorities. All local government and private sector plans should be written to integrate with the RICP and other federal plans.

Tribal

There are 65 federally-recognized Tribes in all Region 6 states except Arkansas. Each Tribe has governmental responsibility and national sovereignty on reservation lands. Some have contingency plans for response to oil and hazardous material releases and discharges with the responsibility for planning and response implementation. Any response to an incident in these locations will be through a unified command system under the direction and guidance of the FOSC and the designated Federal Trustee (BIA).

Subpart A. INTRODUCTION :: Section 300.3 Scope

This RICP applies to and is in effect for the following cases:

- a. Discharges of oil into or on the navigable waters, on the adjoining shorelines to the navigable waters, into or on the waters of the exclusive economic zone, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States; and
- b. Discharges of oil or releases of hazardous substances into the environment, and pollutants or contaminants which may present an imminent and substantial danger to public health or welfare.

Geographic Description and Jurisdictional Guidance

The geographic scope of this RICP is Region 6, which encompasses the states of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Generally, the responsibility to provide FOSCs for incidents or potential incidents is placed upon the EPA and the USCG. Other agency (e.g., DOD, DOE) responsibilities are outlined in 40 C.F.R. ' 300.175.

Under this RICP, a USCG FOSC is responsible for coastal waters while the EPA FOSC is responsible for inland waters. A MOU between the EPA Region 6 and the 8th Coast Guard District concerning response boundaries for oil and hazardous substance pollutants has been established.

This RICP applies to and is in effect when the NRF and some or all of its ESF's are activated. The EPA is the primary agency for ESF #10, Hazardous Materials under the NRF, for Public Law 93-288, as amended.

Plan Integration

The RICP and sub-area plans, discussed later in this document, expand upon the requirements set forth in the NCP, augment Federal coordination with State and Local authorities, and facilitate integration of existing State, Local, and private-sector plans for the four-state area.

Coordination between the EPA and USCG is ensured because representatives of both EPA and the USCG serve as co-chairs of the RRT, and the RRT aids in Area planning and coordination for Region 6. This integration is further strengthened through State involvement in both RCP and sub-area planning. All Federal contingency plans are to be coordinated and integrated with local emergency response plans developed by LEPCs.

FRPs, as defined by Section 311(j)(5)(A) of the CWA, shall be reviewed for approval and consistency with this RICP. During a response, the FOSC, the State FOSC, Local Incident Commander, and responsible party shall meet to coordinate and integrate this RICP with all other relevant plans including, but not limited to, Federal, State, Local, Tribal, and private plans.

The RRT/AC will continuously review the effectiveness and integration of all plans based on actual response experiences, exercises, and all other relevant information that will lead to enhancement of these plans.

Subpart E of the NCP describes the levels of contingency planning under the national response system and cross-references State and local emergency preparedness activities under SARA Title III. Within each of the Federal Regions, two levels of Federal planning take place. The first level is the RICP. The second level is sub-regional. A summary of each planning element / level is contained in Appendix A, Relationships with Other Plans.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.100 Duties of President Delegated to Federal Agencies

In Executive Orders 12580 and 12777, the President delegated certain functions and responsibilities vested in him by the CWA, CERCLA, and OPA to the Administrator of the EPA for the inland zone and the Commandant of the USCG for the coastal zone.

These functions and responsibilities include designating Areas, appointing AC members, determining information to be included in ACPs, and reviewing and approving ACPs. The EPA shall assign a FOSC to each inland zone Area to carry out their responsibilities. The USCG shall appoint a FOSC to each coastal zone Area to carry out their respective responsibilities.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.105 General Organization Concepts

A listing of Federal agencies, responsibilities, functions and resources is addressed in 300.170 and 300.175. Federal agencies should plan for emergencies and develop procedures for dealing with oil discharges and releases of hazardous substances, pollutants or contaminants. Agencies should coordinate their planning, preparedness, and response activities with one another, and with affected States, local governments and private entities.

Three fundamental activities are performed pursuant to this RICP:

- Preparedness, planning, and coordination for response to a discharge of oil or release of hazardous substance, pollutant or contaminant.
- Notification and communications.
- Response operations at the scene of a discharge or release.

National Incident Management System (NIMS)

NIMS is a system mandated by HSPD-5 that provides a consistent, nationwide approach for Federal, State, local, and tribal governments; the private sector; and nongovernmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

To provide for interoperability and compatibility among Federal, State, local, and tribal capabilities, the NIMS includes a core set of concepts, principles, and terminology.

HSPD-5 identifies these as the incident command system; multiagency coordination systems; training; identification and management of resources (including systems for classifying types of resources); qualification and certification; and the collection, tracking, and reporting of incident information and incident resources.

Incident Command System/Unified Command System

An ICS is required to be implemented under 29 CFR 1910.120 and 40 CFR 311, as well as NIMS. An ICS shall be established at all incidents involving hazardous substances and oil by the senior on-scene official of the first response organization to arrive.

When the incident involves or affects multiple jurisdictions or agencies, the Unified Command System should be implemented.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.110 National Response Team

National planning and coordination are accomplished through the NRT.

The NRT consists of representatives from:

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| • United States Coast Guard (USCG) | Environmental Protection Agency (EPA) |
| • Federal Emergency Management Agency (FEMA) | Department of Defense (DOD) |
| • Department of Energy (DOE) | U.S. Department of Agriculture (USDA) |
| • Department of Commerce (DOC) | Department of Health and Human Services (DHHS) |
| • Department of the Interior (DOI) | Department of Justice (DOJ) |
| • Department of Labor (DOL) | Department of Transportation (DOT) |
| • Department of State (DOS) | General Services Administration (GSA) |
| • Department of the Treasury | Nuclear Regulatory Commission. |

The NRT has duties outlined in the NCP to provide support during a response to an oil or hazardous substance spill or release. The NCP provides information concerning what conditions should exist for the NRT to be activated and what services would likely be expected during an activation.

When the NRT Should Be Activated:

- When an oil discharge or hazardous materials release:
 - a. exceeds the response capability of the region in which it occurs,
 - b. transects regional boundaries, and/or
 - c. involves a substantial threat to the public health or welfare of the U.S. or the environment, substantial amounts of property, or substantial threats to natural resources (e.g., Spills of National Significance);
- 2. When requested by a NRT member;
- 3. When requested by a FOSC;
- 4. When requested by a RRT;
- 5. When there is competition for resources that requires national interagency adjudication; and/or
- 6. When there are questions that require interagency input into answers at the national level.

Types of NRT Activation:

- Full activation: All of the NRT member agencies are asked to assist in the NRT's activities related to the response, either face-to-face in a location designated by the NRT Chair or by conference call.

- Partial activation: Specific agencies are called upon by the NRT Chair to assist in the NRT's activities related to the response. Participation will either be face-to-face in a location designated by the NRT Chair or by conference call.

During the initial NRT activation meeting, the NRT Chair, will inform the representatives of member agencies of the following:

- Reason for and background of the activation;
- Status of the incident and the Federal response, as known;
- Relevant RRT activities to date;
- Type of activation (full or partial);
- If a partial activation, the member agencies involved and reason(s) for their selection; and
- The agency to chair the activated NRT.

The Chair of the activated NRT will, then:

- Provide specific information and/or assistance requests to other agencies;
- Provide the participating member agencies with information on planned agency response actions;
- Identify the Operations Center to support the activated NRT (e.g., NRC, EPA EOC, or Agency Operations Center);
- Prioritize requests and establish deadlines for completion of tasks;
- Provide for a method of furnishing updated information to each of the member agencies;
- Establish a time and method (telephone or video teleconference) for the activated NRT to confer with the activated RRT and the appropriate FOSC(s);
- Provide the members of the activated NRT and the NRT Executive Director with the means to contact him/her, on a 24-hour continuous basis;
- Establish a schedule for future conferences or next meeting date and method/location; and
- Ensure the NRT Executive Director documents decisions made and actions taken and the rationale for them.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.115 Regional Response Team

The RRT is responsible for regional planning and preparedness activities before response actions, and for providing advice and support to the FOSC or RPM when activated during a response.

Region 6 RRT membership consists of a designated representative from each Federal agency participating in the NRT, with representatives from each of the five States: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

The two principal components of the RRT mechanism are a standing team, which consists of designated representatives from each participating Federal agency and State governments; and incident-specific teams formed from the standing team when the RRT is activated for a response.

Standing RRT

The standing RRT serves as the regional body for planning and preparedness actions before a response action is taken. Except for periods of activation for an incident-specific response action, the representatives of EPA and USCG shall act as co-chairs.

The chair for periods of response action will be provided by the agency providing the FOSC for the response operation.

The standing RRT should:

- continuously review regional and local responses to discharges or releases, consider available legal remedies, equipment readiness, and coordinate between responsible public agencies and private organizations,
- based on observations of response operations, recommend revisions of the NCP to the NRT,
- consider and recommend necessary changes to the RCP and ACP based on continuing review of response actions in the region,
- be prepared to provide response resources to major discharges or releases outside the region,

- meet at least semiannually to review response actions carried out during the preceding period, and consider changes in Federal regional, area, and local contingency plans,
- provide reports on the RRT activities to the NRT annually. Reports will summarize recent activities, organizational changes, operational concerns, and efforts to improve State and Local preparedness,
- review local emergency response plans at the request of the LEPC,
- encourage State and Local response communities to improve their preparedness for response. Conduct or participate in training and exercises to encourage preparedness activities of the response community in the region,
- in its capacity as the AC, conduct advance planning for the use of dispersant, surface washing agents, surface collection agents, burning agents, bioremediation agents, or other chemical agents in accordance with Subpart J of the NCP, and work to maximize participation in the national program for announced and unannounced exercises.

Area planning and coordination of preparedness and response actions are accomplished through the AC. The RA has appointed the RRT as the AC for Region 6.

Incident-Specific RRT

The RRT should be activated as an intergovernmental coordination team when an actual or potential discharge or release:

- Exceeds the response capability available to the FOSC in the place where it occurs;
- Crosses State boundaries;
- May pose a substantial threat to the public health, welfare, environment, or to regionally significant amounts of property;
- Otherwise meets the definition of a major discharge as defined in the NCP; or
- When requested by the FOSC or an RRT Representative.

Using the above criteria, any RRT representative may request either Co-Chair to activate the RRT. The request should be made to the USCG Co-chair for coastal incidents and to the EPA Co-Chair for inland incidents. The request may be transmitted either verbally, in writing, by fax, or electronic mail.

When an incident occurs in the Inland Zone of Region 6, the REOC will be located in the EPA Regional Office, Dallas, Texas. The Region will provide a FOSC, and will coordinate communication, information, limited supplies and equipment and other personnel and facilities necessary to allow proper functioning and administration.

When an incident occurs in the Coastal Zone or in specified harbor areas in Region 6, the RRC will be located at the appropriate Coast Guard District office.

Once a Co-Chair decides to activate the RRT or receives such a request from another RRT representative, the other Co-Chair will be notified of the decision. The USCG Co-Chair will assume the lead for coastal incidents and the EPA Co-Chair will be the lead for inland incidents.

Notification of remaining RRT members will be the responsibility of the lead Co-Chair and may be delegated to the RRT Coordinator or other staff representatives.

When activated, the RRT may meet or convene by teleconference at the call of the incident specific Chair and may:

- Monitor and evaluate reports from the FOSC. The RRT may advise the FOSC on the duration and extent of the federal response and may recommend to the FOSC specific actions in responding to the discharge or release;
- Request other Federal, State, or local government, or private agencies to provide resources under their existing authorities to assist the FOSC's response efforts;
- Help the FOSC prepare information releases for the public and for communications with the NRT;
- If circumstances warrant, make recommendations to the regional or district head of the agency providing the FOSC that a different FOSC should be designated; and
- Submit Pollution Reports (POLREPS) to member agencies and other entities as significant developments occur.

Arrangements for meeting locations and/or teleconferences will be the responsibility of the incident-specific Chair or designated representative. The recording and distribution of summaries of meetings or teleconferences conducted upon RRT activation shall also be the responsibility of the lead Co-Chair or other designated representative.

The RRT will be deactivated by the incident-specific Chair typically after a discussion with the RRT Agencies. The incident-specific Chair, or his/her representative will be responsible for notifying RRT members of the deactivation.

The dates and times for activation and deactivation should be included in POLREPS or other summaries generated by the FOSC or the incident-specific Chair and/or documented in summaries of meetings or teleconferences of the RRT.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.120 On-Scene Coordinators - General Responsibilities

The FOSC directs response efforts and coordinates all other efforts at the scene of a discharge or release in accordance with the NCP, RICP, State and Local plans. As part of the planning and preparedness for response, FOSCs shall be predesignated by the EPA Region 6 RA or the USCG, Eighth District, per EPA/USCG MOU for predetermined FOSC designation.

DOD and DOE shall designate a FOSC as stated in the NCP part 300.120 paragraphs (c) and (d). Other Federal agencies are responsible for non-emergency removals, as stated in the NCP part 300.120 (c)(2).

The FOSC is responsible for overseeing development of the ACP in the area of the FOSC's responsibility. ACPs shall, as appropriate, be accomplished in cooperation with the RRT, and designated State and Local representatives. In contingency planning and response incidents, the FOSC coordinates, directs, and reviews the work of other agencies, ACs, States, responsible parties, and contractors to assure compliance with the NCP and RICP, decision document, consent decree, administrative order, and lead agency-approved plans applicable to the response.

The FOSC should ensure that any person designated to act as an on-scene representative is adequately trained and prepared to carry out actions under the NCP and RICP to the extent practicable. FOSC responsibilities are further described in Section 300.135 of this RICP.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.125 Notification and Communications

The NRC is the national communications center for handling activities related to response actions. The NRC acts as the single point of contact for all pollution incident reporting. Notice of an oil discharge or release of a hazardous substance in an amount equal to or greater than the reportable quantity must be made immediately in accordance with the CWA and CERCLA under 33 C.F.R. Part 153, Subpart B, and 40 C.F.R. part 302, respectively.

Notification shall be made to the NRC Duty Officer. All notices of discharges or releases received at the NRC will be relayed immediately by telephone to the appropriate predesignated FOSC.

In addition, facilities may be required to report releases of specified hazardous substances to the SERC and the LEPC under Section 304 of EPCRA, 42 U.S.C. ' 11004.

The REOC is the regional site for notification, communication, and interagency coordination during a pollution incident. The REOC will be at the appropriate Coast Guard District office when an incident occurs within its jurisdiction. The REOC is in the EPA Regional Office when an incident occurs in all other areas of Region 6.

The EPA REOC will coordinate with the predesignated FOSC and will coordinate communication, information, limited supplies and equipment, and other personnel and facilities necessary to allow proper function and administration of this plan during a response to an oil discharge or a hazardous substance release.

EPA uses Incident Notification Reports for oil spills and hazardous substance releases. The affected State and tribe (through the appropriate DOI contact), as well as trustees for natural resources, will be notified of all spills in which EPA Region 6 will be responding. States will receive copies of all NRC notifications directed to EPA Region 6.

Initial Notification Requirements

A discharge or release may be discovered through:

- reports submitted by persons at a facility or on a vessel
- deliberate search patrols
- random or incidental observation, or through
- any other incidental sources

Oil Spills

Section 311(b)(5) of the FWPCA requires that the responsible party notify the NRC as soon as knowledgeable of an oil spill which causes a sheen on waters of the United States or has the potential to reach waters of the United States.

Chemical Releases

CERCLA requires that all releases of hazardous substances (including radionuclides) exceeding reportable quantities, be reported by the responsible party to the NRC. Title 40 CFR, Part 302 promulgates reportable quantities and reporting criteria. EPCRA (40 CFR Part 335) requires that all extremely hazardous chemicals that exceed reportable quantities be reported to the National Response Center as well as to the SERC and the LEPC.

Radiological

All radiation releases are required to be reported to the NRC in accordance with the FRERP.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.130 Determinations to Initiate Response and Special Conditions

The President shall, in accordance with the NCP and any appropriate ACP (in Region 6, this RICP), ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge of oil or release of hazardous substance [33 U.S.C. 1321(c)]. In carrying out this mandate, the President may direct or monitor all Federal, State, and private actions to remove a discharge.

The NCP authorizes EPA or the USCG to act for the United States to take response measures deemed necessary to protect public health or welfare or the environment from discharges of oil or releases of hazardous substances, pollutants, or contaminants except with respect to such releases on or from vessels or facilities under the jurisdiction, custody, or control of other Federal agencies [40 C.F.R. 300.130].

The assigned FOSC may initiate a response. Upon approval by the FOSC, State or Local governments may initiate a response.

For Stafford Act incidents (i.e., emergencies or major disasters), upon the recommendation of the FEMA Administrator and the Secretary of Homeland Security, the President appoints an FCO. The FCO executes Stafford Act authorities, including commitment of FEMA resources and the mission assignment of other Federal departments or agencies.

If a major disaster or emergency declaration covers a geographic area that spans all or parts of more than one State, the President may decide to appoint a single FCO for the entire incident, with other individuals as needed serving as Deputy FCOs.

In all cases, the FCO represents the FEMA Administrator in the field to discharge all FEMA responsibilities for the response and recovery efforts underway.

For Stafford Act events, the FCO is the primary Federal representative with whom the SCO and other State, tribal, and local response officials interface to determine the most urgent needs and set objectives for an effective response in collaboration with the Unified Coordination Group.

By law and by Presidential directive, the Secretary of Homeland Security is the principal Federal official responsible for coordination of all domestic incidents requiring multiagency Federal response.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.135 Response Operations

To the extent practicable, response operations shall be consistent with Federal, State, and Local plans, including this RICP, SACP, and FRPs. The NRC is the national communications center for activities related to pollution response actions. It is at USCG Headquarters in Washington, D.C.

The NRC receives and provides computer-developed spill dispersion forecasts for spills, disseminates FOSC and RRT reports to the NRT when appropriate, and when required provides facilities for the NRT to use in coordination of a national response action. The NRC also maintains tele-conferencing capability, as well as a technical library on oil and hazardous substances and can evaluate chemical discharge hazards.

The REOC is the regional site for notification, communication, and interagency coordination during a pollution incident. The REOC will be at the appropriate Coast Guard district office when an incident occurs within its jurisdictional area. The REOC will be in the EPA Regional Office when an incident occurs in all other areas of Region 6.

The REOC will provide a predesignated FOSC and will coordinate communication, information, limited supplies and equipment, and other personnel and facilities necessary to allow proper functioning and administration of this plan. The State, as well as trustees for natural resources, will be promptly notified of discharges or releases.

EPA Region 6 and the USCG 8th District, are responsible for responding to incidents, and EPA will provide predesignated FOSCs to all pollution response activities in the inland zone. However, DOD and DOE shall designate FOSCs for releases of hazardous substances, pollutants, or contaminants from DOE and DOD facilities and vessels.

The EPA will provide FOSCs for all CWA discharges and non-DOD CERCLA releases unless otherwise agreed. In certain instances, the USCG may act as the lead agency for actual or threatened pollution incidents involving commercial vessels or marine transportation-related facilities. The areas of responsibility have been established by a joint EPA and USCG MOU.

On-Scene Coordinators - Specific Responsibilities

The FOSC shall direct response efforts and coordinate all other efforts at the scene of a discharge or release. As part of the planning and preparations for response, the FOSCs are predesignated by the Regional or district head of the lead agency.

The FOSC shall, to the extent practicable, collect pertinent facts about the discharge or release, such as:

- its source and cause; the identification of potentially responsible parties;
- the nature, amount, and location of discharged or released materials;
- the probable direction and time of travel of the discharged or released materials;
- the pathways to human and environmental exposure;
- the potential impact on human health, welfare, and safety and the environment;
- the potential impact on natural resources and property that may be affected;
- priorities for protecting human health and welfare and the environment; and
- appropriate cost documentation.

The FOSC's efforts shall be coordinated with other appropriate Federal, State, Local, and private response agencies. FOSCs may designate capable persons from Federal, State, or Local agencies to act as their on-scene representatives.

State and Local governments are not authorized to take actions under Subparts D and E of the NCP that involve expenditures of CWA section 311(k) or CERCLA funds unless an appropriate contract or cooperative agreement has been established.

The FOSC should consult regularly with the RRT in carrying out the NCP and this RICP and keep the RRT informed of activities under the NCP and this RICP. The FOSC shall advise the support agency as promptly as possible of reported releases.

During a response under the NRF, the FOSC should evaluate incoming information and immediately inform the FCO or the appropriate representative of potentially significant developments involving hazardous materials.

The FOSC is responsible for addressing worker health and safety concerns at a response scene in accordance with the NCP. In those instances where a possible public health emergency exists, the FOSC should notify the DHHS representative to the RRT. Throughout response actions, the FOSC may call upon the HHS representative for assistance in determining public health threats and call upon OSHA and DHHS for advice on worker health and safety problems.

The FOSC shall promptly notify the appropriate trustees for natural resources of discharges or releases that are injuring or may injure natural resources under their jurisdiction. The FOSC shall consult with and coordinate all response activities with the natural resource trustees and natural resource managers.

When the FOSC becomes aware that a discharge or release may affect any endangered or threatened species, or result in destruction or adverse modification of the habitat of such species, the FOSC must consult with the (UFWs).

When the FOSC becomes aware that a discharge or release may affect any historic properties, the FOSC should consult with the SHPO, Indian Tribes, or other State and Federal Historic management agencies, as set forth in the Programmatic Agreement on Protection of Historic Properties During Emergency Response under the NCP.

In the event the FOSC is not the first to arrive at the scene, the first qualified Federal official associated with an RRT member agency to arrive should coordinate activities under this RICP and is authorized to initiate, in consultation with the FOSC, any necessary actions normally carried out by the FOSC until the arrival of the predesignated FOSC.

This official may initiate Federal Fund-financed actions only as authorized by the FOSC or, if the FOSC is unavailable, the authorized representative of the lead agency.

Incident Response - Federal Facilities

All Federal agencies should plan for emergencies and develop procedures for dealing with oil discharges and releases of hazardous substances, pollutants, or contaminants from vessels and facilities under their jurisdiction. All Federal agencies, therefore, are responsible for designating the office that coordinates response to such incidents in accordance with the NCP and other applicable Federal regulations and guidelines.

For releases of hazardous substances, pollutants, or contaminants which are on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody or control of DOD or DOE, DOD or DOE shall provide FOSCs/RPMs for taking all response actions.

In the case of a Federal agency other than EPA, DOD, or DOE, such agencies shall provide FOSCs for all removal actions that are not emergencies.

In the event DOD (including the Army) or DOE provides the FOSC for removal operations in response to an off-post/off-site or potential off-post/off-site release, the FOSC may request the EPA Co-chair to provide support by facilitating FOSC/RRT coordination and communication.

Decisions regarding RRT agencies support would, however, be made as usual by the FOSC. DOD will be the removal response authority with respect to incidents involving DOD military weapons and munitions or weapons and munitions under the jurisdiction, custody, or control of DOD.

EPA FOSCs may be requested to provide technical assistance to the lead agency FOSC who is responding to the releases or threatened release. In the event of a "classic emergency" on Federal agency property, other than DOD or DOE, EPA retains response authority and EPA FOSCs may respond and later initiate cost recovery actions against the PRP.

"Lead agency" means the agency that provides the FOSC/RPM to plan and implement response action under the NCP. EPA, the USCG, another Federal agency, or a State (or political subdivision of a State) operating pursuant to a contract or cooperative agreement executed pursuant to Section 104(d)(1) of CERCLA, or designated pursuant to a SMOA entered into pursuant to Subpart F of the NCP or other agreements, may be the lead agency for a response action.

Under the Nuclear/Radiological Incident Annex to the NRF, for off-site radiological releases from Federal facilities, DOE will coordinate the Federal radiation monitoring activities during the emergency phase (first few days).

Then EPA assumes this responsibility from DOE during the intermediate and long-term phase of assessment and monitoring (week to months). This hand-off will be negotiated between the two agencies.

If the incident is severe, the long-term phase could extend beyond one year. The Lead Federal Agency handles on-site radiological releases under the FRERP.

If CERCLA authority is used, the response action will be carried out in accordance with the NCP, and is limited to the cleanup of certain releases of radionuclides including sites containing man made radiation.

Responsible Party Policy

The RP has primary responsibility for cleanup of a discharge or release. The response shall be conducted in accordance with the RP's applicable response plan. Section 311(c)(3)(B) of CWA, 33 U.S.C. ' 1321(c)(3)(B), requires an owner or operator of a facility participating in removal efforts to act in accordance with the NCP and the applicable response plan. Section 311(j)(5)(C) of CWA requires that these response plans shall:

- be consistent with the requirements of the NCP and this RICP;
- identify the QI having full authority to implement removal actions, and require immediate communication between that individual and the appropriate Federal official and the persons providing personnel and equipment);
- identify, and ensure by contract or other means approved by the President the availability of, private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;
- describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or the facility and to mitigate or prevent the discharge, or substantial threat of a discharge;
- be updated periodically; and
- be resubmitted for approval of each significant change. All owners or operators of a tank vessel or facility that are required by OPA to submit a response plan shall do so in accordance with applicable regulations. Facility and tank vessel response plan rules, including plan requirements, are found in 33 C.F.R. '154 and 40 C.F.R. '112, respectively. Before approval, facility and vessel response plans shall be reviewed for consistency with this RICP.

As defined in OPA 90, each RP for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Section 311(f) of CWA, 33 U.S.C. 311(f).

Any removal activity undertaken by the RP must be consistent with the provisions of the NCP, RICP and the applicable response plan required by OPA 90. If directed by the FOSC at anytime during removal activities, the RP must act accordingly.

Response Operations Basics

COMMAND

This section provides an overview of basic command, control, and communications structures in a spill response situation. It specifically addresses the Incident Command System and Unified Command System, using the NIMS model. Some guidance is given on USEPA response organization and interagency communication.

Command Structure

The basic incident command system using the NIMS model has five major functional areas:

- Command
- Operations
- Logistics
- Finance
- Planning

Each of these areas are the building blocks which can be used to structure a response organization. The purpose of creating a response organization structure using defined elements is to:

- provide for a unified command when multiple jurisdictions or agencies are involved
- adapt organizational structure to any location in or adjacent to areas addressed by an Area Contingency Plans (USCG and/or EPA) and Facility Response Plans provide a standard structure to users throughout the states
- readily adapt to new technology
- expand the organization's size or capabilities in a logical manner, based on changes in the response situation
- provide basic common elements in organization, terminology, and procedures for maximum application
- preference developed qualifications and standards to ensure continuity and mobility
- promote the least possible disruption to existing systems
- effectively fulfill all of the above requirements in a simple, low- operation manner.

Incident and Unified Command System

Incident Command

Sole incident command is appropriate when the event is small, local impact, does not involve extensive resources, and does not require more than one decision maker. The basic functions of any areas within the incident structure may be performed by the IC or may be delegated to others depending on the situation.

The key factor is that the conditions of the incident warrant only one person as the lead in order to effect a response. Within EPA Region 6, the IC may be a FOSC, a State FOSC, or a local official with jurisdictional authority. Where applicable, the IC may be the PRP. If the PRP is the IC, most agencies will provide a representative to monitor the response and its effectiveness.

Unified Command

When appropriate, the NRS is designed to incorporate a unified command and control support mechanism (Unified Command) consisting of the FOSC, the SOSC, and the Responsible Party's Incident Manager and/or Qualified Individual. During hazardous substance release responses in which local agencies usually assume a leading role, the structure can be expanded to include the local agency IC.

The UCS allows for a coordinated response effort by taking into account all levels of concerns and interests. The UCS establishes a forum for open, frank discussions on problems that must be addressed by the parties with primary responsibility for oil and hazardous substance discharge removal.

The FOSC has the ultimate authority in a UCS response operation and will exert this authority only if the other members of the unified command are not present or are unable to reach consensus within a reasonable time frame.

Command Roles and Responsibilities

Incident Commander (IC)

The IC is designated by the public agency or responsible party as the person with the authority to direct and agree to unified tactical and strategic decisions related to the response. The PRP, the FOSC and SOSC will be predesignated ICs within the UCS. Where appropriate, local government and tribes will have predesignated ICs who will join the unified command.

The IC is responsible for the overall success and safety of the response. His or her priorities will be to ensure the safety of human health and life, stabilize the situation, and provide an effective response to stop the discharge or release. These priorities may be accomplished through:

- directing and coordinating strategic and tactical response activities
- assessing the situation based on the magnitude, severity, and threat to public health and welfare that the situation poses

- defining the class of threat
- determining what resources are available and how to procure them
- coordinating during response actions with all stakeholders for review of progress and results. This may include other agency trustees, the public, and the business community
- determining the applicability of various response and removal options
- determining when the situation no longer poses a threat

Federal On-Scene Coordinators [Federal Incident Commander]

The FRP and the NCP provide the definition and authorities for the various federal agencies with response jurisdiction for discharges and releases. The lead FOSC will be designated based on statutory authority.

State On-Scene Coordinator [State Incident Commander]

SOSCs are predesignated in all states within EPA Region 6. Their basic incident command duties are the same as the FOSC and are derived from state regulation authorities.

Potentially Responsible Party

The PRP is defined in the NCP as:

- Vessels - any person owning, operating, or demise chartering
- Onshore facilities - excepting pipelines and governmental facilities, any person owning or operating the facility, that as the owner, transfers possession and right to use the property to another person by lease, assignment, or permit
- Offshore facilities - excepting pipelines, licenses deepwater port, and government facilities, any leasee or permittee of the area in which the facility is located or the holder of a right of use and easement granted under applicable state law or the Outer Continental Shelf Act of 1974 (33 USC 1501)
- Deepwater ports - the licensee of the port
- Pipelines - the owner or operator
- Abandonment - the persons who would have been responsible parties immediately prior to abandonment

The PRP is responsible for notification of the NRC and the proper local/State authorities as soon as a discharge or release is discovered. The PRP is also responsible for mitigating the spill, controlling the source, and completing removal actions. If the PRP is unable to satisfactorily complete these actions, the FOSC may provide assistance and resources. Where the PRP is able to provide adequate cleanup, the FOSC and SOSC may continue to monitor activities for compliance, but not send resources. The PRP is included in the unified command as a primary stakeholder.

Command Staff

The Command Staff functions as the assistant or deputy group to the IC or UCs. It is comprised of a variety of technical and administrative positions that provide technical advisement, supervisory support to the General Sections (Operations, Planning, Logistics, and Finance), and liaison support to all other agencies. The Command Staff do not function as final decision-makers; only the IC or the UC are the final authority and approval level.

Safety Officer

The SO and staff assess the safety hazards and develops measures to ensure personnel safety. The SO has the authority to bypass the chain of command when it is necessary to correct unsafe acts immediately. The SO works closely with the General Section Chiefs to ensure compliance with worker health and safety regulations, provide necessary safety monitoring, and to provide technical advice.

Medical

The Medical Officer and team are responsible for the overall medical monitoring of persons involved in the incident and for supervising field Emergency Management Services. The MO, like the SO, has the authority to bypass the chain of command when necessary to perform any medical function.

Government Liaison

The Liaison Officer (Federal, State, and Local Government) is the point of contact for assisting or coordinating agencies.

The LO's duties include:

- gathering all information or questions from the agencies to transmit to the IC or UC
- providing reception and assistance services to each responding agency
- coordinating transmission from the IC or UC to the agency representatives

Public Information

The PIO and staff are responsible for interfacing with their counterparts in the News, Radio, and Television media (public and agency). The PIO's duties include being the point of contact for all media representatives, to direct the activities of the Joint Information Center, to assist the IC or the UC with all press-related meetings and documents, and to provide IC/UC authorized information to the public.

The PIO is also responsible for answering public questions and for transmitting those concerns to the IC or UC.

Agency Representatives

In many incidents involving multiple jurisdictions, an entity will send a representative to assist in coordination efforts. The individual is then responsible for addressing matters affecting that agency's participation at the incident. Representatives may be from the local, state, tribal, or federal level.

Agency Representatives report to the LO, or the IC in the absence of the LO. If the Representative has a team, the persons on that team will usually integrate into the ICS structure to work with their PRP and contractor counterparts. Agency Representatives do not integrate into the IC or the UC.

The RRT provides a unique service to the FOSC and will not necessarily report to the LO. However, should the RRT deploy to the field, the LO would be the chief point of contact and would facilitate any meetings with the IC or the UC. This would also apply to the Natural Resource Trustees and their field teams. The RRT does not integrate into the IC or the UC.

PRP Representatives

The PRP may have a team of technical and administrative staff to provide all basic ICS functions. These persons will integrate into the existing ICS structure and work side-by-side with their agency counterparts.

General Command Sections

The General Command Sections are comprised of Operations, Planning, Logistics, and Finance. Each section is supervised by a Section Chief. The Sections are comprised of members from government, the PRP team, contractors, and other designated parties.

The General Command Section is the heart of the response with the directive to implement all command directions of the IC or UCs during the response.

The General Section Chiefs report to the IC or UC. The duties of the Chiefs are to:

- supervise the field operations of their sections
- coordinate informally and formally with the each other and the Command Staff
- provide formal communication and reports to the IC or the UC on response activities

- coordinate with agency representatives
- manage all field operations

Technical Advisors

The Technical Advisory teams are independent teams defined by the NRF and the NCP. The teams may be called out by the FOSC to function in the field and to provide technical advice in accordance with the NCP.

Special Team members integrate into the Command Staff and General Command Sections, and report to the supervisors of those sections, as well as, their own specific team leaders and home agency. Special teams and other assistance, available to the FOSC, are listed as follows.

EPA Environmental Response Team (ERT)

ERT has expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering. The ERT can provide the FOSC access to special equipment to deal with chemical releases, and can provide the FOSC with advice concerning hazard evaluation, multimedia sampling and analysis, risk assessment, on-site safety, cleanup techniques, water supply decontamination and protection, use of dispersants, environmental assessment, degree of cleanup required, and the disposal of contaminated materials.

The ERT also offers various training courses to prepare response personnel.

General Service Administration (GSA)

GSA provides logistical and telecommunications support to all Federal agencies. A MOU specifically delineates the responsibility of GSA to provide assistance to EPA, USCG and other member agencies of the NRT who would be tasked by the EPA or USCG FOSC in a response situation to implement the NCP. It sets forth the procedures to be followed by USEPA, USCG, agents of the NRT, and GSA when requested to support the NCP.

Upon request or tasking by the FOSC, GSA will provide a full range of timely logistical and telecommunications support to the Federal response effort in accordance with Federal Acquisition Regulations, the GSA Acquisition Regulations, as amended, and relevant public laws so that the GSA Field Office may be operational no later than 48 hours after the request is received by GSA.

Some of those services include provision of: Space; Office Furniture and equipment; Office supplies; Transportation; Communications; Printing/Graphic and Reproduction Services; Advisory Personnel; Procurement of Staff Quarters; and Other services such as preliminary damage assessments; clean-up contractor services; and, specialized technical support.

US Coast Guard - National Strike Forces Coordination Center

The USCG NSFCC, Elizabeth City, North Carolina, coordinates the USCG Strike Teams (Atlantic, Gulf and Pacific). The Strike Teams provide trained personnel and specialized oil spill response equipment to assist the FOSC in training for spill response, stabilizing and containing the spill, and in monitoring or directing the response actions of the responsible parties and/or contractors.

The USCG also provides USCG Unit-based, regular-duty emergency response teams for response to discharges of oil and hazardous substances. These teams vary in size based on the nature of the incident.

In all cases, they are tasked with assessing the discharge to determine response measures, monitor and supervise pollution countermeasures, deploy pollution control equipment as available and necessary until a contractor arrives, document all phases of response, conduct investigations, and act for the FOSC until their arrival.

Public Information Assistance Team (PIAT)

The PIAT is an element of the NSFCC staff which is available to assist FOSC to meet the demand for public information during a response or exercise. Its use is encouraged any time the FOSC requires outside public affairs support. Requests for PIAT assistance may be made through the NSFCC or NRC.

The U.S. Navy (USN)

The USN is the Federal agency most knowledgeable and experienced in ship salvage, shipboard damage control, and diving. The USN has an extensive array of specialized equipment and personnel available for use in these areas as well as specialized containment, collection, and removal equipment specifically designed for salvage related and open sea pollution incidents.

The USN Supervisor of Salvage (SUPSALV) can provide salvage expertise and maintains a warehouse on each coast stockpiled with salvage and response gear.

NOAA Scientific Support Coordinators (SSCs)

The NOAA SSCs are the principal scientific advisors to the FOSC, on behalf of the scientific community and as the lead investigators regarding scientific studies. The SSC leads a scientific team and strives for a consensus on scientific issues affecting the response but ensures the differing opinions within the community are communicated to the FOSC. The SSC can also assist the FOSC with information relating to spill movements and trajectories.

The NOAA SSC serves as the FOSC's liaison between damage assessment data collection efforts and data collected in support of response operations. The SSC leads the synthesis and integration of environmental information required for spill response decisions in support of the FOSC, coordinating with State representatives, appropriate trustees and other knowledgeable local representatives.

The Agency for Toxic Substances and Disease Registry (ATSDR)

ATSDR Regional Offices maintain appropriate disease/exposure registries, provide medical care and testing of individuals during public health [Internet HazDat-Sensitive Map and HazDat Queries, emergencies, develop, maintain, and inform the public concerning the effects of toxic substances, maintain a list of restricted or closed areas due to contamination, conduct research examining the relationship between exposure and illness, and conduct health assessments at most hazardous substances at CERCLA sites, develop guidelines for toxicological profiles of hazardous substances, and develop educational materials related to the health effects of toxic substances.

ATSDR resources are important tools for the FOSC to use in assessing the possible effects of an environmental emergency on the public's health.

EPA Region 6 Response Contractors

EPA Region 6 has several response contractors available to provide technical assistance and response capabilities.

Superfund Technical Assessment and Response Team (START)

The START provides technical assessment and response contractor. It serves as a technical advisor to the agency and responds to incidents as the "eyes and ears" of the agency. START performs a variety of technical services such as monitoring, sampling, etc. under the supervision of the FOSC.

Emergency Response and Removal Services (ERRS)

The ERRS team is similar to the START. It is the dedicated environmental cleanup contractor for emergency and time critical removals. ERRS provides technical management, manpower, equipment, and other construction-type services for site work. It functions under the supervision of the FOSC.

Basic Ordering Agreement (BOA) Contractors

BOA contractors are pre-selected through a basic ordering agreement process conducted by the USCG. Companies listed have pre-negotiated rates and fees for all services.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.140 Multi-Area Responses

During a multi-regional response, oil discharges or releases of hazardous substances that occur within Region 6 may originate in or affect EPA Region 4, Region 7, or Region 8, or the Eighth USCG District. The lead region or district responsibility will normally be based on the location of the origin of the discharge or release.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.145 Special Teams and Other Assistance Available to FOSCs

The NSF is a special team established by the USCG, including the three USCG Strike Teams, the PIAT, and the NSFCC. The NSF is available to assist FOSCs/RPMs in their preparedness and response duties.

The three Strike Teams (Atlantic, Gulf and Pacific) provide trained personnel and specialized equipment to assist the FOSC in training for spill response, stabilizing and containing the discharge or release, and in monitoring or directing the response actions of the responsible parties and/or contractors.

The FOSC has a specific team designated for initial contact and may contact that team directly for any assistance. The Gulf Strike Team has been predesignated to support EPA Region 6.

Additional support is available to FOSCs, including the ERT, SSCs, RATs, the NPFC, the NDT, and the EERU. (See the NCP, Section 300.145, and the NRF). Support is also available from the EPA RERT based in Las Vegas, NV and Montgomery, AL.

The START is contracted to provide technical expertise for the response to and investigation of oil and hazardous substances incidents. The team has personnel trained in health and safety, multimedia field monitoring and sampling, incident documentation, cost monitoring, cleanup restoration, and disposal techniques during oil and hazardous substances incidents.

The ERRS Contract is a contracting network that may be used by the FOSC to provide support for all federally funded emergency cleanup operations on oil and hazardous substances releases. The ERRS contractor operates a 24-hour, seven-day-a-week call center to maintain response capability and accept and implement delivery orders.

Delivery orders may be initiated in a predetermined response time to support the FOSC with trained personnel and equipment to control, stabilize, clean up, and subcontract transportation and disposal during oil and hazardous substances release.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.150 Worker Health and Safety

EPA's and OSHA's protection standards for workers (29 CFR 1910.120 and 40 CFR 311) implement Section 126 of Title I of SARA of 1986. Title I directs OSHA and EPA to publish regulations to ensure the health and safety of all workers potentially exposed to the risks present during hazardous waste operations and emergency response.

The Worker Protection Standards apply to employers whose employees are engaged in hazardous waste operations and emergency response.

The OSHA regulations apply directly to all Federal and private employees in States without OSHA-approved plans. In states having an OSHA-approved plan, those states regulations apply to State, Local and private employees. The EPA's workers-protection regulations cover State and Local government employees without OSHA-approved plans.

Additionally:

- Response actions under the NCP will comply with the provisions for response action worker safety and health in 29 CFR 1910.120.
- In a response action taken by an RP, the RP must assure that an occupational safety and health program consistent with 29 CFR 1910.120 is in place for protection of workers at a response site.
- When a State, or political subdivision of a State, without an OSHA-approved State plan is the lead agency for a response, the State or political subdivision must comply with standards in 40 CFR Part 311, promulgated by the EPA pursuant to Section 126(f) of SARA. In Region 6, New Mexico is the only State with an OSHA-approved State plan.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.155 Public Information and Community Relations

The FOSC may request a public information specialist to handle media and community relations. The NCP (300.415) requires preparation of a community relations plan in certain circumstances. Public information coordination through the Joint Information Center is described in the NRF ESF #10 Supplement, (Appendix J).

Information dissemination relating to NRDA activities shall be coordinated through the lead administrative trustee. The lead administrative trustee may assist the FOSC by disseminating information on issues relating to damage assessment activities.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.160 Documentation and Cost Recovery

Section 300.335 outlines the types of funds that may be available to remove certain oil and hazardous substance discharges. For releases of oil or hazardous substances, pollutants, or contaminants, the following provisions apply:

During all phases of response, the lead agency shall complete and maintain documentation to support all actions taken under the RICP and to form the basis for cost recovery.

Overall, documentation shall be sufficient to provide the source and circumstances of the release, the identity of responsible parties, the response action taken, accurate accounting of Federal, State, or private party costs incurred for response actions, and impacts and potential impacts to the public health and welfare and the environment.

Where applicable, documentation shall state when the NRC received notification of a release of oil or discharge of a reportable quantity.

The information and reports obtained by the lead agency for Fund-financed response actions shall, as appropriate, be transmitted to the NPFC. Copies can then be forwarded to the NRT, members of the RRT, and others, as appropriate.

The lead agency shall make available to the trustees of affected natural resources information and documentation that can assist the trustees in the determination of actual or potential natural resource damages.

Response actions undertaken by the participating agencies shall be carried out under existing programs and authorities when available. Federal agencies are to make resources available, expend funds, or participate in response to discharges and releases under their existing authority. Further funding provisions for discharges of oil are described in 300.335.

Documentation and financial management under ESF #10 shall be consistent with the Financial Management Annex of the NRF and other provisions contained in this RICP.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.165 FOSC Reports

Evaluating response actions provides information that is useful for designing or improving spill response plans. The NCP requires that the FOSC report all activities that take place during and after an incident.

For example, following an oil spill, the FOSC is required to file a summary report that outlines the actions taken to remedy the spill and the level of assistance provided by local, state, and federal agencies. These reports can be used to identify problem areas and can be shared with other agencies who may make recommendations for improvement.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.170 Federal Agency Participation

Federal agencies listed in Section 300.175 have duties established by statute, executive order, or Presidential directive that may apply to Federal response actions following, or in prevention of, the discharge of oil or release of a hazardous substance, pollutant, or contaminant. Federal agencies may be called upon by a FOSC during response planning and implementation to provide assistance in their respective areas of expertise.

Some of these agencies also have duties relating to the restoration, rehabilitation, replacement, or acquisition of natural resources equivalent to those damaged or lost as a result of such discharge or release.

Specifically, Federal member agency responsibilities include:

- Assisting the RRT and FOSCs in formulating Region 6's RICP;
- Informing the RRT of changes in the availability of their respective response resources;
- Reporting discharges and releases from facilities or vessels under their jurisdiction or control.

Additional Federal agency responsibilities are described in 300.170 of the NCP and in the NRF ESF #10 Support Annex.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.175 Assistance by Federal Agencies

During preparedness planning or in an actual response, various Federal agencies may be called upon to provide assistance in their respective areas of expertise, as in section 300.175 of the NCP. Those Federal agencies are:

- Environmental Protection Agency
- United States Coast Guard, a division of the USDOT and DHS
- Federal Emergency Management Agency
- National Oceanic and Atmospheric Administration, a division of DOC
- Department of Energy
- Department of Defense
- United States Army Corps of Engineers / U.S. Navy Supervisor of Salvage (SUPSALV)
- United States Department of Agriculture
 - Forest Service / Agriculture Research Service
 - Natural Resource Conservation Service / Animal and Plant Health Inspection Service
 - Food Safety and Inspection Service
- Department of Health and Human Services
 - Public Health Service / Agency for Toxic Substances and Disease Registry
 - Centers for Disease Control / Indian Health Service
 - National Institutes of Health / National Institute for Environmental Health Sciences
- Department of Justice
- Department of Labor - OSHA
- Department of State
- Nuclear Regulatory Commission
- General Services Administration
 - Department of the Interior
 - Bureau of Land Management / United States Fish and Wildlife Service
 - United States Geological Survey / Office of Surface Mining
 - National Park Service / Bureau of Reclamation
 - Bureau of Indian Affairs

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.180 State and Local Participation in Response

Each governor is requested to designate a lead state agency that will coordinate state-lead response operations. That agency is responsible for designating the state's representative to the RRT and the state's FOSCs. The state's representative may participate fully in all activities of the RRT.

The lead state agency is responsible for communicating and coordinating with other state agencies as appropriate. The lead state agency will also act as liaison with lead agencies of local government. Local governments are invited to participate in activities on the RRT as may be arranged by the state's representative.

State and Local government agencies are expected to develop contingency plans that are consistent with the NCP and this RICP.

State and Local representatives will be encouraged, along with Federal representatives, to actively participate in the development of appropriate sub-area plans that are consistent with contingency plans

developed by LEPCs, as required under EPCRA. Federal, State and Local officials will continually work together to improve the coordination of efforts during responses to discharges of oil or releases of hazardous substances.

During a specific incident, the lead state agency shall take the following actions as appropriate:

1. Notify downstream water users (municipal, industrial and agricultural) of all discharges and releases that may threaten them;
2. Notify and coordinate with other State and Local agencies, including State trustees for Natural Resources;
3. Be jointly responsible with Local and Federal representatives for:
 - a. Assisting in determining the degree of hazard of the discharge or release to public health and safety; and recommending possible mitigative actions;
 - b. Providing security for all on-scene responders and equipment. This activity includes establishing local liaison with hospital, services, and police personnel, and in restricting entrance by nonessential personnel to hazardous areas;
 - c. Assisting in assessment of the environmental damage caused by the discharge or release;
 - d. Arranging for use of disposal sites;
 - e. Selecting disposal sites;
 - f. Selecting transportation routes to disposal sites; and

Assuming responsibility for operation and maintenance of a site, if necessary and when no RP has been identified.

A. The State of Arkansas

- Under the State Emergency Response Plan, The Arkansas Department of Environmental Quality (ADEQ) is the lead state agency for ESF-10 activities, and provides a representative to the RRT.
- The Arkansas Department of Emergency Management (ADEM) is a support agency for ESF-10 activities, and provides a representative to the RRT.

B. The State of Louisiana

- Under the State Emergency Response Plan, ESF 10 has three Primary Responsible agencies. The Governor's Louisiana Oil Spill Coordinator (LOSCO) is responsible for Oil Spill response and recovery, and provides a representative to the RRT.
- The Louisiana State Police (LSP) is responsible for HAZMAT response and recovery, and provides a representative to the RRT.
- The Department of Environmental Quality (DEQ) is responsible for incidents involving radioactive substances, and provides a representative to the RRT.

C. The State of New Mexico

- Under the State Emergency Response Plan, The New Mexico Environmental Department (NMED) is the lead state agency for ESF-10 activities, and provides a representative to the RRT.
- The New Mexico Department of Homeland Security and Emergency Management is a support agency for ESF-10 activities, and provides a representative to the RRT.

D. The State of Oklahoma

- Under the State Emergency Response Plan, The Oklahoma Department of Environmental Quality (ODEQ) is the lead state agency for ESF-10 activities, and provides a representative to the RRT.
- Oklahoma Office of Emergency Management (OEM) is a support agency for ESF-10 activities, and provides a representative to the RRT.

E. The State of Texas

- Under the State Emergency Response Plan, ESF 10 has four Primary Responsible agencies. The Texas General Land Office (TGLO) is responsible for incidents involving state-owned lands, coastal oil spills, and onshore/offshore petroleum storage facilities, and provides a representative to the RRT.
- The Railroad Commission of Texas (RRC) is responsible for incidents involving public safety or environmental threats such as spills or releases resulting from the exploration, development, and production of oil or geothermal resources, and provides a representative to the RRT.
- The Texas Department of State Health Services (DSHS) is responsible for incidents involving radioactive materials.
- The Texas Commission on Environmental Quality (TCEQ) is responsible for incidents involving hazardous materials spill response, water quality, and dam safety, and provides a representative to the RRT.
- The Governor's Division of Emergency Management (GDEM) is a support agency to ESF-10 responsibilities, and provides a representative to the RRT.

Natural Resources

State conservation departments, through their State's representative on the RRT, shall coordinate fish and wildlife preservation measures. When necessary, the closing of areas to commercial and recreational fishing due to health hazards will be accomplished by the appropriate State agency.

Local Emergency Planning Committees

The LEPCs are responsible for the development and maintenance of local emergency response plans in accordance with EPCRA, Sections 301 to 303. The LEPCs' membership includes various representatives from local governmental agencies, emergency responders, environmental groups, and local industry.

The emergency plans developed by these groups must include: the identity and location of hazardous materials; procedures for immediate response to a chemical accident; ways to notify members of the public of actions they must take in the event of a discharge or release; names of coordinators at plants; and schedules for testing the plan.

The local response plan must be reviewed by the SERC. The RRTs may review the plans and provide assistance if the SERC or LEPC makes such a request. Federal contingency plans provide for coordination with local governments.

Subpart B. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE :: 300.185 Non-governmental Participation

Industry groups, academic organizations, and others are encouraged to commit resources for response operations. This plan anticipates and encourages representation from industry, landowners, volunteer groups, and other stakeholders. Non-governmental participants will have an ex-officio role on the Area Committee and RRT.

An Industry Work Group (IWG) has been established under the RRT Region 6 structure. The IWG is to assist the RRT in fulfilling its assigned mission by facilitating communication and cooperation between Federal and State agencies, local organizations and industry.

The IWG will provide draft documents to the RRT Executive Secretariat for the establishment of the various work groups, which will be part of the IWG and will have specific projects and/or programs in support of RRT standing committees and RRT objectives.

Focus Areas for the IWG include:

- Resolving barriers to good response
- Facilitating use of "lessons learned"
- Promoting outreach
- Improving communications between RRT and industry
- Science and Technology

Several non-governmental entities can provide assistance during a pollution response action within Region 6. A partial listing of this information is provided below.

- Chemical Transportation Emergency Center (CHEMTREC) - Provides technical expertise, coordination of chemical manufacturers, and emergency response information on chemical spills. Can be accessed by calling 1-800-424-9300 (24-hour emergency number); or for planning purposes call: (202) 887-1255 during business hours.
- American Chemical Council (ACC) is an association of chemical manufacturers and is located in Washington, D.C. ACC's Community Awareness and Emergency Response (CAER) program has provided guidance to chemical plant manufacturers for interactions with the local community in the development of local hazardous materials response plans.
- Bureau of Explosives - Association of American Railroads, Washington, D.C., can provide technical advice during railroad incidents. The Bureau of Explosives may provide assistance in the areas of accident assessment, classification of materials, environmental impacts, methods of cleanup and mechanical evaluations of trains. Contact through CHEMTREC. 1-800-424-9300.
- American Petroleum Institute, 2100 L Street, NW, Washington, D.C. 20037; telephone: (202) 682-8000. This organization represents major producers and refiners of the petroleum industry and can provide technical and operational expertise.
- National Pesticides Telecommunications Network; 24-hour number: (800) 858-7378.
- Chlorine Institute; telephone: (202) 775-2790.

Subpart C. PLANNING AND PREPAREDNESS :: 300.200 General

The RRT and AC serve as planning and preparedness bodies to support the FOSC and are encouraged to include membership from Federal, State, and Local governments and private entities (as ex-officio members). The AC is not a response-support body, and is not required to participate in response efforts, but its members should have knowledge of response procedures.

Subpart C. PLANNING AND PREPAREDNESS :: 300.205 Planning and Coordination Structure

- National - The NRT is responsible for national planning and coordination.
- Regional - The RRTs are responsible for regional planning and coordination. In addition, the EPA RRT Co-chair is responsible for the ESF #10 components of this plan. This RICP consolidates the RCP, the ACP, and the ESF #10 Annex into a single plan.
- Area - This RICP covers the Standard Federal Region 6: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Sub-area plans will be developed, as appropriate.
- State - The SERC of each State, appointed by the Governor, is to designate emergency planning districts, appoint LEPCs, supervise and coordinate their activities, and review local hazardous materials response plans.
- Local - Emergency planning districts are designated by the SERC in order to facilitate the preparation and implementation of emergency plans. Each LEPC is to prepare a local hazardous materials response plan for the emergency planning district and receive and process requests from the public for information generated by EPCRA reporting requirements.
- On-Shore Facilities - Those that could be expected to cause substantial harm to the environment, because of their location, are required to plan for a worse-case discharge.

Subpart C. PLANNING AND PREPAREDNESS :: 300.210 Federal Contingency and Response Plans

The NCP's Section 300.210 identifies three levels of Federal contingency plans for oil discharges and hazardous substance releases: National, Regional and Area. In Region 6, the RRT also serves as the Area Committee, and this RICP fulfills all NCP requirements for both a RCP and an ACP.

As noted in Section 130.130, in the event of an incident requiring a coordinated Federal Response, the National Response Framework (NRF) may be activated.

Section 311(j)(4)(C)(i), of the CWA requires that this RICP, when implemented in conjunction with the NCP, be adequate to remove a worst-case discharge (WCD). Region 6 determines a WCD to involve ANY discharge or threat of a discharge in sufficient quantities to impact public health, welfare or the

environment, where the parties responsible for the threat or discharge are unwilling or unable to perform the required response actions. This RICP regards a worst case discharge in an identical manner.

An oil spill scenario that is applicable to Region 6 is provided in the following section. The formulation provides parameters for what may be a WCD. The information will be updated as more FRPs are received and as additional regulations are developed.

OIL SPILL SCENARIO (WORST-CASE)

Assumptions: In all cases, assume parties contributing to the spill are not or cannot take appropriate response action.

Hazard Assessment: Each State within Region 6 is unique, but they also share common concerns.

By looking at the history of incidents (i.e., natural or technological accidents), the inevitable future occurrences can be better met. Understanding the community or surrounding area is crucial for proper planning. An industry that produces, uses, or stores oil may engender a high risk of a technological hazard to the community.

Although the community may not be at risk, the facility may be close to or within a highly vulnerable area. A facility near a fault line, along a river, or be vulnerable otherwise, or be at risk due to nearby industrial or transportation activities, has the potential to be economically impacted or to impact other economically or environmentally sensitive areas.

Vulnerability Analysis: Particular points of environmental and economic sensitivity include, but are not limited to the Environmentally and Economically Sensitive Areas for the States of Region 6.

Seasonal/Geographic Considerations: Each State has the potential for widespread or localized flooding due to heavy rains, flooding on major rivers, hurricanes, wild fires, and tornados. The potential for disastrous earthquakes exists along the New Madrid Fault in northeast Arkansas.

RESPONSE PRIORITIES

EPA Region 6, to further development of WCD scenarios, is using a list of suggestions and checklists developed by EPA Region 7 (backup Region to Region 6) to provide quick access to critical information to assist facilities in formulating a WCD.

This compilation is neither a textbook nor a substitute for training, qualified technical advice, or common sense. It addresses response only to oil spills that could reach water. The following points should be considered when attempting to minimize the effects of an oil spill:

Health and safety are the first priorities. Responders should be alert to:

- Fire and explosion potential from vapors at or near the spill site.
- Potential toxic effects are present from the spill and chemical countermeasures.
- Proper use of safety equipment.
- Hyperthermia, hypothermia, frostbite or sunburn.
- Small boat safety.
- Helicopter and aircraft safety.

Speed is essential in recovery efforts. Responders should keep in mind that:

- Oil spreads and drifts rapidly; delays will rapidly increase the area needing cleanup.
- If in situ burning is a desirable alternative and a viable option, the best results will be obtained with the earliest ignition possible because of the potential for evaporation and emulsification.
- Sustained combustion requires at least 0.1 inch (2-3 mm) of slick thickness.
- Oil is usually easier to deal with on water than after it has contacted the shore.
- Any proposal for in situ burning will require consultation of the FOSC, the respective State member of the RRT, the Federal and State natural resource trustees and the State air permitting agency, so development of a comprehensive proposal early in the spill response phase would be desirable.

CLEANUP PRIORITIES

The nine oil spill remediation steps are:

- Stop the discharge.
- Contain and remove spilled oil at the source to the extent possible.
- Assess the amount and type of spilled oil via surveillance and tracking.
- Follow procedures defined in contingency plans; modify them as needed; document all actions.
- Protect threatened resources and monitor shorebound oil.
- Contain and remove offshore oil that has escaped the primary control operation at the source.
- Skim oil that has pooled in natural collection areas such as sloughs and coves.
- Clean up shorelines where oil has stranded, to the extent possible and advisable.
- Dispose of collected materials in accordance with applicable regulations.

SHORTFALLS

Potential shortfalls exist in responding to any contemplated type of oil spill. Those may include:

- Equipment:
 - Logistics of staging and maintaining operable equipment.
 - Limited availability and shelf-life of specialized cleanup and/or monitoring equipment.
 - The discharge or release may be inaccessible to the equipment available.
- Personnel:
 - Skilled personnel may not be immediately available.
 - Personnel from outside the area may not be familiar with the terrain or available equipment.
 - Personnel from various agencies, areas and with various experiences must be integrated into an effective response.
- Funds:
 - The cleanup costs may exceed funds available to the RP.
 - The availability of funds through the NPFC is dependent on the knowledge of the FOSC and the State's FOSC.
 - Response by some or all parties may be delayed by the remoteness of the spill location.
 - Substantial delays may occur in identifying and obtaining additional resources.

PROCEDURES AND CRITERIA FOR TERMINATING THE CLEANUP

EPA Region 6 cleanup procedures will continue until a determination is made jointly by the Federal and State FOSCs, Natural Resource Trustees, the RP and the local incident commander to cease cleanup operations.

Region 6 contains very diverse industries and ecological zones. A spill of one substance and size might have minimal impact on one area, but might be devastating in another.

SPILL HISTORY

To prepare for the inevitable oil spill incident, a responder must know the possible parameters of possible occurrences. Looking at the spill history of an area is a good way to anticipate what is likely to happen in the future. All oil spills of a reportable quantity are to be reported to the NRC: 1-800-424-8802.

When spills are reported, notice is disseminated to the predesignated USCG/EPA FOSC in the jurisdiction where they occurred for possible response actions. This mechanism for recording spills is labeled the ERNS.

Region 6 has experienced several hundred oil spills classified as major under the NCP, as well as several spills classified as worst-case discharges by this RICP.

Adequacy to Remove a Worst-Case Discharge

This RICP, when implemented in conjunction with the NCP, is adequate to mitigate and/or prevent a substantial threat of a WCD. Private industry and local emergency responders provide the front-line defense in response to all spills, including a WCD.

Adequacy to remove a WCD is currently addressed through existing contingency plans and guidance manuals. This RICP outlines federal resources available to the FOSC from RRT agencies and provides Regional response policies. Local emergency contingency plans outline resources available from outside RRT agencies.

In terms of prevention of oil spills, including a WCD, the Spill Prevention, Control, and Countermeasures (SPCC) Program, administered through EPA, requires all non-transportation-related facilities within EPA's jurisdiction, to develop plans necessary to contain a discharge of oil and prevent it from reaching waters of the United States.

This program is much broader than contingency planning. It requires facilities to develop and design plans that include the installation of equipment, most notably secondary containment systems, such as dikes, barriers and diversionary flow paths, so that spills into waters of the United States will be prevented.

When such design and engineering controls are not practicable for a facility, the owner must provide a detailed contingency plan following the criteria outlined in 40 C.F.R. Part 109. Some of these criteria include the establishment of notification procedures, identification of resources, and provisions for specific actions.

For transportation-related onshore and offshore facilities, such as vessels, the DOT issues regulations concerning the safe handling of hazardous materials. The MMS of the DOI is also responsible for certain offshore fixed facilities.

Fish and Wildlife Response Plan

OPA 90 amended Section 311(d) of the CWA, 33 U.S.C. ' 1321(d), to include a fish and wildlife response plan, developed in consultation with the USFWS, NOAA, and other interested parties (including natural resource managers and State fish and wildlife conservation officials), for the immediate and effective protection, rescue, and rehabilitation of, and the minimization of risk of damage to, fish and wildlife resources and their habitat harmed or that may be jeopardized by a discharge.

Additionally, the Federal Agencies have signed a MOA regarding the coordination of listed species consultation during planning and response activities. A summary of FOSC and USFWS responsibilities under the ESA, implementing regulations, and the Interagency MOA Regarding Oil Spill Planning and Response Activities under the NCP and the ESA MOA as well as guidance for its implementation, is found in Section 6.4 of the FWSEP.

Subpart C. PLANNING AND PREPAREDNESS :: 300.211 Facility Response Plans

FRP are submitted to EPA Region 6 for review and approval and Vessel Response Plans are submitted to local USCG MSOs for review and approval. Both Federal agencies maintain current copies of all of the plans submitted from within their jurisdiction.

Certain facilities--those that pose a significant and substantial threat to the environment, to be granted approval to operate with an approved Facility Response Plan--have provided certification that they have, by contracts or other approved means, the resources capable of removing a WCD from their facility.

In Region 6, facilities that have been determined to pose such a risk have provided an adequate certification. All Facility Response Plans are reviewed to verify they have adequate resources to remove a facility WCD. Among the additional requirements, FRP must be integrated with the local emergency plans prepared under EPCRA.

Subpart C. PLANNING AND PREPAREDNESS :: 300.212 Area Response Drills

To check the adequacy of a facility to remove a WCD, the Federal lead agency, EPA or USCG, shall periodically conduct drills of removal capability, without prior notice, in areas for which ACPs are required and under relevant Vessel and FRPs.

The drills are to be conducted under the National Preparedness for Response Exercise Program (PREP), and may include participation by Federal, State, and Local agencies, the owners and operators of vessels and facilities in the area, and other elements of private industry.

This RICP shall integrate approved vessel, offshore facility, onshore facility, pipeline, and bulk transportation response plans. Regional response policies and preparedness activities, concerning inland issues, are currently addressed through the RRT, and outlined in this RICP, which is approved by both the EPA and USCG co-chairs.

Subpart C. PLANNING AND PREPAREDNESS :: 300.215 EPCRA Local Emergency Response Plans

The regulations that implement EPCRA are codified at 40 C.F.R. Part 355.

Each LEPC is to prepare an emergency response plan in accordance with Section 303 of EPCRA, and to review the plan once a year, or more frequently as changed circumstances in the community or at any subject facility may require.

Such local emergency response plans should be closely coordinated with applicable ACPs and State emergency response plans.

Subpart D. OPERATIONAL RESPONSE PHASES FOR OIL REMOVAL :: 300.300 Discovery and Notification

Notice of an oil discharge or release of a hazardous substance in an amount equal to or greater than the reportable quantity must be made immediately in accordance with 33 CFR part 153, Subpart B and 40 CFR part 302, respectively. Notification will be made to the NRC Duty Officer, HQ USCG, Washington, D.C., telephone (800) 424 8802.

All notices of discharges or releases received at the NRC will be relayed immediately by telephone to the Region 6 REOC (866) 372-7745 or USCG Eighth District (504) 589-6225 or lead agencies.

The FOSC receiving this call will ensure notification to the appropriate State agency of any State which is, or may reasonably be expected to be, affected by the discharge or release. The FOSC will then proceed with the following phases.

Subpart D. OPERATIONAL RESPONSE PHASES FOR OIL REMOVAL :: 300.305 Preliminary Assessment and Initiation of Action

The FOSC is responsible for determining whether or not proper response actions have been initiated. If the RP for the release or spill does not act promptly or does not take appropriate actions, or if the party is unknown, the FOSC shall respond in accordance with provisions of the NCP and agency guidance, and coordinate activities as outlined in this RICP.

1. In carrying out a response under this section, the FOSC may:
 - a. Remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time;
 - b. Direct or monitor all Federal, State and private actions to remove a discharge;
 - c. Remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.
2. If the discharge results in a substantial threat to the public health or welfare of the United States (including, but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States), the FOSC must direct all response efforts, as provided in part 300.322 of the NCP. The FOSC may act without regard to any other provision of the law governing contracting procedures of employment of personnel by the Federal government in removing or arranging for the removal of such a discharge.
3. The FOSC shall ensure that the natural resource trustees and natural/historic resource managers are promptly notified in the event of any discharge of oil, to the maximum extent practicable as provided in the Fish and Wildlife and Sensitive Environments Plan, the ESA MOA, and the Programmatic Agreement on Protection of Historic Properties During Emergency Response under the NCP.

The FOSC, trustees, and natural/historic resource managers shall coordinate assessments, evaluations, investigations, and planning with respect to appropriate removal actions. The FOSC shall

consult with the affected trustees on the appropriate removal action to be taken. The trustees will provide timely advice concerning recommended actions regarding trustee resources potentially affected.

The trustees also will assure that the FOSC is informed of their activities in natural resource damage assessment that may affect response operations. The trustees will assure that all data from the natural resource damage assessment activities that may support more effective operational decisions are provided in a timely manner to the FOSC.

Where circumstances permit, the FOSC will share the use of non-monetary response resources (i.e., personnel and equipment) with the trustees, provided trustees activities do not interfere with response actions.

The Federal Lead Administrative Trustee facilitates effective and efficient communications between the FOSC and the other trustees during response operations and is responsible for applying to the FOSC for non-monetary Federal response resources on behalf of all trustees.

The Federal Lead Administrative Trustee is also responsible for applying to the NPFC for funding for initiation of damage assessment for injuries to natural resources.

Subpart D. OPERATIONAL RESPONSE PHASES FOR OIL REMOVAL :: 300.310 Containment, Countermeasures, Control and Disposal

Defensive actions shall begin as soon as possible to prevent, minimize, or mitigate threat(s) to the public health or welfare of the United States or the environment.

Actions may and include sampling and analysis, controlling the source of a discharge, source and spread control or salvage operations, placement of physical barriers to deter the spread of oil and protect natural resources and sensitive ecosystems, control of water from upstream impoundment, and the use of chemicals as described in Subpart J of this RICP.

As appropriate, actions shall be taken to recover the oil or mitigate its effects. Of the numerous chemicals or physical methods that may be used, the chosen methods shall be the most consistent with protecting public health and welfare and the environment. Sinking agents shall not be used.

Oil and contaminated materials recovered in cleanup operations shall be disposed of in accordance with applicable laws, regulations, or requirements.

Subpart D. OPERATIONAL RESPONSE PHASES FOR OIL REMOVAL :: 300.315 Documentation and Cost Recovery

All OSLTF users need to collect and maintain documentation to support all actions taken under the CWA. Overall, documentation shall be sufficient to support full cost recovery for resources utilized and shall identify the source and circumstances of the incident, the RP or RPs, and impacts and potential impacts to public health and welfare and the environment. Documentation procedures are contained in 33 CFR part 136.

When appropriate, documentation shall also be collected for scientific understanding of the environment and for research and development of improved response methods and technology. Funding for these actions is restricted by section 6002 of the OPA.

OSCs shall ensure the necessary collection and safeguarding of information, samples, and reports. Samples and information shall be gathered expeditiously during the response to ensure an accurate record of the impacts incurred. Documentation materials shall be made available to the trustees of affected natural resources.

The FOSC shall make available to trustees of the affected natural resources information and documentation in the FOSC's possession that can assist the trustees in the determination of actual or potential natural resource injuries. Information and reports obtained by the EPA shall be transmitted to the appropriate offices responsible for follow up actions.

Subpart D. OPERATIONAL RESPONSE PHASES FOR OIL REMOVAL :: 300.317 Regional Response Priorities

Safety of human life must be given the top priority during every response action. This includes any search and rescue efforts in the general proximity of the discharge and the insurance of safety of response personnel.

Stabilizing the situation to preclude the event from worsening is the next priority. All efforts must be focused on saving a vessel that has been involved in a grounding, collision, fire, or explosion, so that it does not compound the problem. Comparable measures should be taken to stabilize a situation involving a facility, pipeline, or other source of pollution.

Stabilizing the situation includes securing the source of the spill and/or removing the remaining oil from the container (vessel, tank, or pipeline) to prevent additional oil spillage, to reduce the need for follow-up response action, and to minimize adverse impact to the environment.

The response must use all necessary containment and removal tactics in a coordinated manner to ensure a timely, effective response that minimizes adverse impact to the environment.

All parts of this response strategy should be addressed concurrently, but safety and stabilization are the highest priorities. The FOSC should not delay containment and removal decisions unnecessarily and should take actions to minimize adverse impact to the environment that begins as soon as a discharge occurs, as well as actions to minimize further adverse environmental impact from additional discharges.

The priorities set forth in this section are broad in nature, and should not be interpreted to preclude the consideration of other priorities that may arise on a site-specific basis.

Subpart D. OPERATIONAL RESPONSE PHASES FOR OIL REMOVAL :: 300.320 General Pattern of Response

When the FOSC receives a report of a discharge, actions should normally be taken in the following sequence:

1. Investigate the report to determine pertinent information such as the threat posed to public health or welfare or the environment, the type and quantity of polluting material, and the source of the discharge.
2. Officially classify the size of the discharge and determine the course of action to be followed.
3. When the reported discharge is an actual or potential major discharge, greater than 10,000 gallons, immediately notify the RRT, and the affected State, and the NRC.
4. Determine whether a discharger or other person is properly carrying out removal. Removal is being done properly when:
 - a. The cleanup is fully sufficient to minimize or mitigate threat(s) to public health and welfare and the environment.
 - b. The removal efforts are in accordance with applicable regulations, including the NCP, RICP, and any FRPs.
5. Determine whether a State or political subdivision thereof has the capability to carry out response actions and whether a contract or cooperative agreement has been established with the appropriate fund administrator for this purpose.

In addition the FOSC shall:

1. Request the State RRT Representative to notify any downstream water users of any release or discharge entering water courses from which they take water;
2. Notify the RP of Federal interest and potential action in the discharge or release. If the RP is unknown or does not respond, the FOSC shall initiate response actions;
3. Attempt to have the RP voluntarily and promptly perform response actions;
4. Ensure adequate surveillance over whatever actions are initiated by the RP;
5. Make prompt notification to the trustees and other managers of affected natural/historic resources so that they may initiate appropriate action when facilities or natural/historic resources have been or are likely to be affected;
6. Ensure that the notifications and actions required in 300.135, the FWSEP and the Programmatic Agreement have been performed. If they have not been performed, the FOSC will perform those notifications and subsequent actions;
7. When appropriate, activate Federal response using the OSLTF for oil discharges of the CERCLA Hazardous Substances Response Trust Fund for hazardous substances releases;

8. Advise the appropriate State/Local officials on scene of the timing and nature of subsequent response actions that will be taken by the predesignated FOSC or other agencies or organizations;
9. Prepare and distribute Pollution Reports (POLREPS);
10. Call upon RRT resources, as appropriate, to assist in determining the necessary facts about a particular discharge or release, such as its magnitude or potential impact on human health and welfare;
11. Fully inform and coordinate closely with the RRT during a response to a significant discharge or release to ensure the maximum effectiveness of the Federal effort in protecting natural /historic resources and the environment from pollutant damage;
12. Obtain the advice of natural resource trustees and/or facility/historic resource managers regarding response operations affecting resources or facilities under their jurisdiction. If threatened or endangered species or their habitats could be affected by response operations, the FOSC or RPM must consult with the USFWS in accordance with the ESA MOA, the Fish and Wildlife and Sensitive Environments Plan and, if applicable, the relevant Sub-ACP.
Advice provided by the USFWS on response actions that may affect Federally listed endangered or threatened species shall be obtained at all times and shall be binding on the FOSC, unless, in his or her judgment, actions contrary to this advice must be taken to protect human life;
13. Ensure the safety of Federal response personnel;
14. Conduct the following actions, as appropriate:
 - a. Contain the spread of the release, e.g., by trenching and diking, siphon dams (floating substances), filter fences, booms (floating substances), water sprays, stream diversion or impoundment, and gelling agents;
 - b. Implement countermeasures, e.g., control the water discharge from upstream impoundments, mitigate contamination of water supplies;
 - c. Collect and remove oil from water courses and adjoining shorelines, e.g., skimmers, sorbents, dredging, high-pressure water, physical/chemical treatment;
 - d. In consultation with natural resource trustees and natural/historic resource managers, mitigate damage to waterfowl and other wildlife, and historic properties;
 - e. Ensure adequate disposal of removed materials in accordance with State and Federal regulations;
 - f. Recommend the evacuation of threatened individuals to appropriate authorities;
 - g. Limit access to the release area, e.g., barricades, security fences, etc.;
 - h. Collect and analyze samples to determine source and dispersion of the release;
 - i. Implement countermeasures, e.g., treatment of water supplies (e.g., activated carbons) providing alternate water supplies, control of water discharge from upstream impoundments, on-site physical/chemical treatment;
 - j. Collect and remove released hazardous substances, e.g., skimmers (floating substances), sorbents, dredging, on-site physical/chemical treatment;
 - k. Ensure adequate disposal of released substances. Transportation of hazardous substances off-site must comply with regulations promulgated under RCRA. Under certain circumstances, some procedural requirements of RCRA can be waived. The circumstances are described in the regulations.
15. Keep the Public informed of response actions.
16. Arrange for scientific support coordination as needed.

Subpart D. OPERATIONAL RESPONSE PHASES FOR OIL REMOVAL :: 300.322 Response to substantial threats to public health or welfare of the United States

As part of the investigation described in §300.320, the FOSC shall determine whether a discharge results in a substantial threat to public health or welfare of the United States (including, but not limited to, fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States).

Factors to be considered by the FOSC in making this determination include, but are not limited to, the size of the discharge, the character of the discharge, and the nature of the threat to public health or welfare of the United States.

Upon obtaining such information, the FOSC shall conduct an evaluation of the threat posed, based on the FOSC's experience in assessing other discharges, and consultation with senior lead agency officials and readily available authorities on issues outside the FOSC's technical expertise.

If the investigation by the FOSC shows that the discharge poses or may present a substantial threat to public health or welfare of the United States, the FOSC shall direct all federal, state, or private actions to remove the discharge or to mitigate or prevent the threat of such a discharge, as appropriate.

In directing the response in such cases, the FOSC may act without regard to any other provision of law governing contracting procedures or employment of personnel by the federal government to:

1. Remove or arrange for the removal of the discharge;
2. Mitigate or prevent the substantial threat of the discharge; and
3. Remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

In the case of a substantial threat to public health or welfare of the United States, the FOSC shall:

1. Assess opportunities for the use of various special teams and other assistance described in §300.145, including the use of the services of the NSFCC, as appropriate;
2. Request immediate activation of the RRT; and
3. Take whatever additional response actions are deemed appropriate, including, but not limited to, implementation of the ACP as required by section 311(j)(4) of the CWA or relevant tank vessel or facility response plan required by section 311(j)(5) of the CWA.

When requested by the FOSC, the lead agency or RRT shall dispatch personnel to the scene of the discharge to assist the FOSC. This assistance may include technical support in the agency's areas of expertise and disseminating information to the public. The lead agency shall ensure that a contracting officer is available on scene, at the request of the FOSC.

Substantial Threats

Substantial threats are those conditions which could significantly impact the public safety and welfare, natural resources such as fish, wildlife, or flora, or any economic or industrial area to the extent that commerce would be disrupted. The FOSC would consider these factors, as well as, the size and character of the hazard in determining a substantial threat.

Spill of National Significance (SONS)

A SONS is a spill which:

- greatly exceeds the response capability of the local and regional levels, and
- has the actual or potential capability to adversely impact the environment in such a complex manner that it requires extraordinary measures to respond.

A SONS response would require all levels of government and the private sector. Only the USCG Commandant or the EPA Administrator can declare an event a SONS.

Worst Case Discharge

A worst case discharge, as defined by the Clean Water Act [CWA Section 311 (a)(24)], means the largest foreseeable discharge in adverse weather conditions from an onshore or offshore facility, or, the entire loss of a vessel cargo. A response to a worst case discharge would require all levels of government to respond.

Subpart D. OPERATIONAL RESPONSE PHASES FOR OIL REMOVAL :: 300.323 Spills of National Significance (SONS)

A discharge may be classified as a SONS by the Administrator of EPA for discharges occurring in the inland zone and the Commandant of the USCG for discharges occurring in the coastal zone.

For a SONS in the inland zone, the EPA Administrator may name a senior Agency official to assist the FOSC in communicating with affected parties and the public and coordinating federal, state, local, and international resources at the national level. This strategic coordination will involve, as appropriate, the

NRT, RRT(s), the Governor(s) of affected state(s), and the mayor(s) or other chief executive(s) of local government(s).

For a SONS in the coastal zone, the USCG Commandant may name a National Incident Commander (NIC) who will assume the role of the FOSC in communicating with affected parties and the public, and coordinating federal, state, local, and international resources at the national level. This strategic coordination will involve, as appropriate, the NRT, RRT(s), the Governor(s) of affected state(s), and the mayor(s) or other chief executive(s) of local government(s).

Subpart D. OPERATIONAL RESPONSE PHASES FOR OIL REMOVAL :: 300.324 Response to Worst-Case Discharge

If the FOSC's investigation determines that a WCD, as defined in the RICP, has occurred or there is a substantial threat of such a discharge, the FOSC shall:

- Notify the NSFCC;
- Require, where applicable, implementation of the worst-case portion of an approved tank vessel or facility response plan required by section 311(j)(5) of the CWA;
- Implement the worst-case portion of this RICP required by section 311(j)(4) of the CWA; and
- Take whatever additional response actions are deemed appropriate.

Under the direction of the FOSC, the NSFCC shall coordinate use of private and public personnel and equipment, including Strike Teams, to remove a WCD and mitigate or prevent a substantial threat of such a discharge.

Subpart D. OPERATIONAL RESPONSE PHASES FOR OIL REMOVAL :: 300.335 Funding

Accessing the "Oil Fund"

EPA FOSCs access the Ceiling and Number Assignment Processing System (CANAPS) for federal project numbers (FPNs) and authorized ceiling limits for funding certain removal actions associated with oil and hazardous waste spills. CANAPS can be accessed at:

<http://www.uscg.mil/npfc/Response/CANAPS/default.asp>.

EPA and USCG Federal On-Scene Coordinators (FOSCs) use the Web-based system to generate, amend, cancel, and check the status of FPNs for oil spills. USCG FOSCs can also use the system for CPNs for hazmat incidents.

From the CANAPS webpage, you may:

- Access CANAPS (authorized users only),
- Use a demonstration version of the CANAPS application, and
- Download a user manual and other documentation.

Contracting

EPA warranted FOSCs have the authority to issue a verbal authorization-to-proceed for \$200,000 where site conditions constitute an emergency and \$50,000 where the site conditions do not warrant an emergency (provided funds are available.) All verbal authorizations-to-proceed will be followed up with the required hard-copy documentation.

EPA FOSCs utilize the START and ERRS contracts for oil removals. Procedures, which are the same for Superfund removals, include notifying the Project Officers and Contracting Officers, as well as providing the necessary paperwork (Independent Government Cost Estimate and SOW.) Any decision to utilize a BOA must include EPA Contracting Officers (COs).

Eligibility for State Access:

OPA 90 allows the States governor to request payments of up to \$250,000 from the OSLTF for removal costs required for the immediate removal of a discharge, or the mitigation or prevention of a

substantial threat of a discharge, of oil. Requests are made directly to the FOSC who will determine eligibility.

Local, state, tribal, or other federal agencies may obtain funding for removal costs in two separate ways: 1) EPA initiates a Pollution Removal Funding Authorization (PRFA), or 2) submitting a claim to the National Pollution Funds Center (NPFC.)

A PRFA is handled very much like a contract. EPA will issue a Statement of Work (SOW) for the work to be performed and require regular updates of site conditions. Once these costs are invoiced, the EPA FOSC must certify the package prior to sending to the NPFC for payment.

The FOSC will determine whether the State is able to respond based on the criteria specified by the NPFC. If the State is capable, the FOSC will contact the USCG case officer to authorize access to the fund. If the FOSC denies State access to the fund, he or she will detail the reason for denying access (i.e., which of the criteria were not met by the State).

Required Record keeping:

The State shall maintain records of expenditures of fund monies, including, but not limited to:

- Daily expenditures for each individual worker, giving the individual's name, title or position, activity performed, time on task, salary or hourly rate, travel costs, per diem, out-of-pocket or extraordinary expenses, and whether the individual is normally available for oil spill removal.
- Equipment purchased or rented each day, with the daily or hourly rate.
- Miscellaneous materials and expendables purchased each day.
- Daily contractor or consultant fees, including costs for their personnel and contractor-owned or rented equipment, as well as that of any subcontractor.

The State shall submit a copy of these records and a summary document, stating the total of all expenditures made, to the NPFC within 30 days after completion of the removal actions. A copy of these documents shall also be submitted to the FOSC.

Subpart E. HAZARDOUS SUBSTANCE RESPONSE :: 300.400 General

This subpart establishes methods and criteria for determining the appropriate extent of response authorized by CERCLA and CWA section 311(c):

- When there is a release of a hazardous substance into the environment; or
- When there is a release into the environment of any pollutant or contaminant that may present an imminent and substantial danger to the public health or welfare of the United States.

In determining the need for and in planning or undertaking Fund-financed action, EPA shall, to the extent practicable:

- Engage in prompt response;
- Provide for state participation in response actions, as described in subpart F of this part;
- Conserve Fund monies by encouraging private party response;
- Be sensitive to local community concerns;
- Consider using treatment technologies;
- Involve the RRT in removal response actions at appropriate decision-making stages;
- Encourage the involvement and sharing of technology by industry and other experts; and
- Encourage the involvement of organizations to coordinate responsible party actions, foster site response, and provide technical advice to the public, federal and state governments, and industry.

Subpart E. HAZARDOUS SUBSTANCE RESPONSE :: 300.405 Discovery and Notification

A release may be discovered through a report submitted in accordance with section 103(a) of CERCLA, i.e., reportable quantities codified 40 CFR part 302 and various reports and investigations. The provisions of section 300.305 of this plan, including notification of Federal and state natural resource trustees, are also applicable to reports involving hazardous substances, pollutants, or contaminants.

Subpart E. HAZARDOUS SUBSTANCE RESPONSE :: 300.410 Removal Site Evaluation

The FOSC's removal site evaluation (RSE) may include, but is not limited to:

- Identification of the source and nature of the release or threat of release;
- Evaluation by ATSDR, or other Public Health Agencies, of the threat to public health;
- Evaluation of the magnitude of the potential threat;
- Evaluation of the factors necessary to make the determination of whether a removal action is necessary;
- Determination if a non-Federal party is undertaking proper response; and,
- Determination of Federal jurisdiction.

The FOSC shall determine whether a release governed by CWA section 311(c)(1), as amended by OPA, has occurred.

An RSE may be terminated when the FOSC or lead agency determines:

- There is no release or threat of release;
- The source is neither a vessel nor a facility;
- The release does not involve a hazardous substance;
- The release does not involve a pollutant or contaminant that may pose an imminent and substantial danger to public health or welfare;
- The amount, quantity and concentration released does not warrant Federal response;
- The party responsible for the release or other person is providing appropriate response, and on-scene monitoring by the government is not required;
- The RSE is complete; or
- The release consists of a situation specified in Section 300.400 (b) (1) through (3) of the NCP subject to limitations on response.

If natural resources are or may be injured by the release, the FOSC will notify and consult with the appropriate Natural Resources Trustees. In addition, the FOSC will determine whether remedial action is necessary.

Subpart E. HAZARDOUS SUBSTANCE RESPONSE :: 300.415 Removal Actions

The following factors shall be considered in determining the appropriateness of a removal action:

- Actual or potential exposure to human populations, fish and wildlife or food chain;
- Exposure to drinking water supplies or sensitive ecosystems;
- Hazardous substance or pollutant in containers, drums, barrels, tanks, or other storage that may pose a threat of release;
- Hazardous substance or pollutants in soils at or near the surface that may migrate;
- Weather conditions that may cause hazardous substance or pollutants to migrate or be released;
- Threat of fire or explosion;
- Availability of other Federal, State or Local response mechanisms to respond to the release;
- Any other situation or factors that pose a threat to public health, welfare, or the environment.

When a planning period of at least six months exists before on-site activities are initiated, an Engineering Evaluations/Cost Analysis (EE/CA) must be done. If environmental samples are to be collected, preplanning shall consist of the field sampling plan and quality assurance project plan.

Subpart F. STATE AND LOCAL INVOLVEMENT IN HAZARDOUS SUBSTANCE RESPONSE :: 300.500 General

Subpart F of the NCP addresses State involvement in hazardous substance response and is incorporated herein by reference. ESF #10 requires close coordination between EPA and State counterparts in the development and implementation of mission assignments for response activities.

Subpart F. STATE AND LOCAL INVOLVEMENT IN HAZARDOUS SUBSTANCE RESPONSE :: 300.505 EPA-State-Local MOU

The Federal, State, and Local MOA (MOU) may establish the nature and extent of EPA and State and Local interaction during EPA-lead and State-lead or Local-lead responses (including Indian tribes). EPA shall enter into MOU discussions if requested by a State or Local government. Refer to the NCP, 40 C.F.R. 300.505, for a discussion of State MOUs.

Subpart F. STATE AND LOCAL INVOLVEMENT IN HAZARDOUS SUBSTANCE RESPONSE :: 300.520 State Involvement in EPA/USCG-lead Enforcement Negotiations

EPA/USCG shall notify States of response action negotiations to be conducted by EPA/USCG with PRPs during each fiscal year. The State shall notify EPA/USCG of any such negotiations in which it intends to participate. The State is not foreclosed from signing a consent decree if it does not participate substantially in the negotiations.

State Involvement in Removal Actions

For reimbursement, the State must fulfill requirements established by the NPFC, including PRP determination and documentation requirements.

Subpart G. TRUSTEES FOR NATURAL RESOURCES :: 300.600 General

Designation of Natural Resource Trustees:

CERCLA and OPA require the designation of certain Federal, State, and Indian Tribal officials to act on behalf of the public as trustees for natural resources which they manage or protect. As trustees, these officials are authorized to assess monetary damages for resources injured, lost, or destroyed as a result of a discharge of oil or release of hazardous substances.

In addition, agencies are authorized to seek damages from the responsible party, and to devise and carry out restoration, rehabilitation and replacement. Where more than one trustee has jurisdiction over a resource, these agencies are encouraged to coordinate and cooperate in carrying out the activities described herein.

RRT representatives from trustee agencies may also serve as contact points regarding policy on trustee resources.

Definition of Natural Resources (CERCLA Sec. 101(16)):

Land, fish, wildlife, biota, air water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States, any State or Local government, or Indian tribe.

Notification and Consultation by FOSCs:

To minimize impacts to natural resources and assist trustees in carrying out their responsibilities, the FOSCs are required to:

- Promptly notify Federal/State agencies designated as natural resource trustees of actual or potential discharges or releases.
- Consult with trustees and other natural resource managers in determining such effects.
- Coordinate all response activities with the trustees, and other natural resource managers, in determining such effects.
- Make available documentation and information that can assist trustees in determining actual or potential resource injuries.

- Consult with USFWS on all incidents and response activities that may affect Federally listed threatened or endangered species, or their habitats. Conduct appropriate Section 7 Consultation as indicated in Section 6.4 of the FWSEP and the ESA MOA.

The trustees, consistent with procedures specified in the FWSEP and the ESA MOA, shall provide timely advice on recommended actions concerning trustee resources that are potentially affected by a discharge of oil or release of hazardous substances. This may include providing assistance to the FOSC in identifying/recommending pre-approved response techniques and in predesignating shoreline types and areas.

Subpart G. TRUSTEES FOR NATURAL RESOURCES :: 300.605 Designation of Federal Trustees

The following Federal officials have been designated by the President as trustees for natural resources within Region 6:

- The Secretary of the Interior, including:
 - National Park Service: National Parks, National Monuments, National Historic Sites, National Recreation Areas, Wild and Scenic Rivers, etc.
 - U.S. Fish and Wildlife Service: National Wildlife Refuges, National Fish Hatcheries, Waterfowl Production Areas; migratory birds; threatened and endangered species; and anadromous fish.
 - Bureau of Reclamation: Lands and waters managed or protected in association with Reclamation dams, reservoirs, and water conveyance systems.
 - Bureau of Land Management: Public lands, Federally owned minerals (underlying private as well as public lands).
 - Bureau of Indian Affairs: Indian reservations, and other lands or natural resources held in trust for an Indian Tribe (including off-reservation natural resources).

In cases where the United States acts on behalf of an Indian Tribe, the Secretary of the Interior also acts as trustee for natural resources for which an Indian Tribe would otherwise act as trustee.

- Contact: DOI RRT Representative.
 - Secretary of Agriculture
 - U.S. Forest Service: National Forests, National Grasslands.
 - Contact: USDA/Forest Service RRT representative.
- Secretary of Defense
 - Military Lands
 - Contact: DOD U.S. Army RRT representative.
- Corps of Engineers Project Lands
 - Contact: USACE RRT representative.
- Secretary of Energy
 - DOE lands and facilities
- Contact: DOE RRT representative

Subpart G. TRUSTEES FOR NATURAL RESOURCES :: 300.610 State Trustees

Pursuant to 33 U.S.C. 2706(b), the governor of each State shall designate State and Local officials who may act on behalf of the public as trustee for natural resources and shall notify the President of the designation.

Natural resources under State jurisdiction include all fish, wildlife and biota, including a shared trusteeship with the Federal government for certain plants and animals; air, surface and ground water, and land.

State trustees for natural resources within Region 6 are:

Arkansas:	http://www.adeq.state.ar.us/	http://www.agfc.com/
Oklahoma:	http://www.deq.state.ok.us/	
	http://www.wildlifedepartment.com/	
Louisiana:	http://www.deq.louisiana.gov/portal/	http://www.wlf.state.la.us/
	http://dnr.louisiana.gov/	

Subpart G. TRUSTEES FOR NATURAL RESOURCES :: 300.615 Indian Tribes

The Tribal Chair or head of the Tribal governing body, or person designated by Tribal officials, acts as the trustee.

Natural resources under Indian Tribal trusteeship include lands and other natural resources belonging to, managed by, controlled by, or otherwise appertaining to the Tribe; or held in trust for the Tribe; or belonging to a member of the Tribe (if subject to a trust restriction on alienation).

Within Region 6, notification of Tribal trustees will be handled through the DOI RRT representative.

Subpart G. TRUSTEES FOR NATURAL RESOURCES :: 300.620 Function of Trustees

Where there are multiple trustees, because of coexisting or contiguous natural resources or concurrent jurisdictions, they should coordinate and cooperate in carrying out these responsibilities.

Trustees are responsible for designating to the RRTs and the Area Committees, for inclusion in the RCP and the ACP, appropriate contacts to receive notifications from the FOSCs of discharges or releases.

Upon notification or discovery of injury to, destruction of, loss of, or threat to natural resources, trustees may, pursuant to section 107(f) of CERCLA, or section 311(f)(5) of the CWA, take the following or other actions as appropriate:

- Conduct a preliminary survey of the area affected by the discharge or release to determine if trust resources under their jurisdiction are, or potentially may be, affected;
- Cooperate with the FOSC/RPM in coordinating assessments, investigations, and planning;
- Carry out damage assessments; or
- Devise and carry out a plan for restoration, rehabilitation, replacement, or acquisition of equivalent natural resources. In assessing damages to natural resources, the federal, state, and Indian tribe trustees have the option of following the procedures for natural resource damage assessments located at 43 CFR part 11.

Upon notification or discovery of injury to, destruction of, loss of, or loss of use of, natural resources, or the potential for such, resulting from a discharge of oil, the trustees, pursuant to 1006 of OPA, are to take the following actions:

- In accordance with OPA section 1006(c), determine the need for assessment of natural resource damages, collect data necessary for a potential damage assessment, and, where appropriate, assess damages to natural resources under their trusteeship; and
- As appropriate, and subject to the public participation requirements of OPA section 1006(c), develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent, of the natural resources under their trusteeship;

The trustees, consistent with procedures specified in the Fish and Wildlife and Sensitive Environments Plan Annex to the Area Contingency Plan, shall provide timely advice on recommended actions concerning trustee resources that are potentially affected by a discharge of oil.

This may include providing assistance to the FOSC in identifying/ recommending pre-approved response techniques and in predesignating shoreline types and areas in ACPs.

The trustees shall assure, through the lead administrative trustee, that the FOSC is informed of their activities regarding natural resource damage assessment that may affect response operations in order to assure coordination and minimize any interference with such operations.

The trustees shall assure, through the lead administrative trustee, that all data from the natural resource damage assessment activities that may support more effective operational decisions are provided in a timely manner to the FOSC.

Subpart H. PARTICIPATION BY OTHER PERSONS :: 300.700 Activities by Other Persons

Participation by private parties in both planning and response is encouraged. PRPs are encouraged to undertake response actions in an adequate and timely manner, based on the judgement of the FOSC.

Landowners are also encouraged to participate in planning and response. The landowner is a valuable resource due to his or her local knowledge. The landowner, to the extent practical and based on the FOSC's judgement, may be included in the planning and response activities, under direction of the FOSC.

Landowners that provide access to or are affected by a spill have jurisdiction over their lands, and warrant special consideration by the responding agency or unified command. In the event that an incident poses, or has the potential to pose, an imminent threat to human health and/or the environment, it is in the best interest of the landowner to provide access to a FOSC.

In addition, OPA 90 authorized filing of claims against the OSLTF by other persons. To file a claim, contact the Director, NPFC, 4200 Wilson Boulevard, Suite 1000, Arlington, VA 22203-1804, telephone (703) 235-4756.

Responsible Party Policy

The RP has primary responsibility for cleanup of an oil discharge or release of hazardous substances. Section 311(c)(3)(b) of CWA, 33 U.S.C. 1321(C)(3)(B), requires a facility owner or operator participating in removal efforts to act in accordance with the NCP and all other applicable response plans. Section 311(j)(5)(c) of the CWA requires that these response plans shall:

- be consistent with the requirements of the NCP and this RICP;
- identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment;
- identify, and ensure by contract or other means approved by the President the availability of private personnel and equipment necessary to remove to the maximum extent practicable a WCD (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;
- describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility to be carried out under the plan to ensure the safety of the vessel of the facility and to mitigate or prevent the discharge, or substantial threat of a discharge;
- be updated periodically; and
- be resubmitted for approval of each significant change [33 U.S.C. ' 1321(j)(5)(c)].

All owners or operators of a tank vessel or facility who are required by OPA to submit a response plan shall do so in accordance with applicable regulations.

Facility and tank vessel response plan regulations, including plan requirements, are found in 33 CFR ' 154 and 40 CFR '112, respectively. Prior to approval, facility and vessel response plans shall be reviewed for consistency with this RICP and appropriate sub-area contingency plans.

As defined in OPA, each RP for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Section 311(f) of CWA, 33 U.S.C. 311(F).

Any removal activity undertaken by the RP must be consistent with the provisions of the NCP and this RICP and the applicable response plan required by OPA. If directed by the FOSC at any time during the removal activities, the RP must act accordingly.

Subpart I. ADMINISTRATIVE RECORD FOR SELECTION OF RESPONSE ACTION :: 300.800 Administrative Record

Subpart I of the NCP, 40 C.F.R. ' 300.800, addresses administrative record keeping for selection of response actions and is incorporated herein by reference to the extent that it applies to emergency response.

Subpart J of the NCP regulates the use of dispersants, other chemical agents, and bioremediation agents to respond to oil spills in the U.S. waters; it also establishes the NCP product schedule; which is a listing of dispersants and other chemical or biological products that may be authorized by EPA for use on oil spills.

Inclusion of a product on the NCP product schedule indicates only that the technical product data requirements have been satisfied: listing does not mean that the product is recommended or certified for the use on an oil spill. The FOSC may authorize the use of any of these response options with the concurrence of the RRT.

NCP Product Schedule

In accordance with Subpart J, EPA is to develop and maintain a schedule of dispersants and other chemical or biological products that may be authorized for use on oil discharges. This schedule is called the NCP Product Schedule. Difficulties or delays in obtaining the schedule or receiving specific information/guidance regarding products on the schedule should be communicated to ERD and the RRT Chair. The NCP Product Schedule is available through:

website: <http://www.epa.gov/emergencies/docs/oil/ncp/schedule.pdf>

The predesignated FOSC, after consultation with the RRT, may authorize the use of dispersants, surface collecting agents, biological additives, or miscellaneous oil spill control agents on the discharged oil, if the material to be used is listed on the NCP Product Schedule.

Products not included on the NCP Product Schedule, as well as those products included on the schedule, may be authorized for use by the predesignated FOSC without first obtaining the concurrence of the EPA RRT representative or the State RRT representative, when, in the judgment of the FOSC, the use of the product is necessary to prevent or substantially reduce a hazard to human life.

The FOSC shall inform the EPA RRT representative and, as appropriate, the RRT representative(s) from the affected State(s) and when practicable the natural resource trustees of the use of such dispersant or other chemicals when possible once the threat to human life has subsided.

RELATIONSHIP TO OTHER PLANS

As many as six levels of emergency-related plans may be found within the Federal, State, and local levels of government. A seventh tier of plans appears when those developed by business and industry are considered. Within the planning levels of governments, there are three levels of Federal plans; national contingency and response plans, Federal RCPs and Federal ACPs.

At the State and local level are State plans, regional plans, local plans and departmental and support-agency plans. Each of these plans reflects levels of action and responsibility. Some of these plans are multi-hazard comprehensive plans while others are single-hazard response and coordination plans.

Given the fact that responses to incidents involving oil and hazardous substances will most certainly be multi-organizational and multi-jurisdictional, a basic understanding of each planning level and how the various plans fit together is needed to facilitate integration and coordination of the several plans that may be activated in a response. This section describes the three levels of contingency plans under the National Response System and cross-references emergency preparedness plans at the State and local level.

Planning and preparedness for disasters occurs at all levels of government and business and industry. The coordination of actions taken under these plans is critical, particularly in a chemical emergency. This section identifies and briefly defines the plans that may be operative during an oil or hazardous substances event so that those implementing this plan may be aware of other probable plan activations and how best to integrate and coordinate the overall response activities.

Federal Government Contingency Plans

THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN (NCP)

The NCP is required by Federal law and is found in the Code of Federal Regulations at 40 CFR Part 300. The stated purpose of the NCP is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants and contaminants.

The NCP applies to and is in effect for discharges of oil into or on the navigable water of the United States, on the adjoining shorelines, the waters of the contiguous zone, into the waters of the exclusive economic zone or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States.

In addition to oil, the NCP also applies to and is in effect for releases into the environment of hazardous substances, pollutants or contaminants which may present an imminent and substantial danger to public health and welfare and the environment of the United States.

The NCP provides for efficient, coordinated and effective response to discharges of oil and releases of hazardous substances in accordance with the authorities of the Federal laws cited at the beginning of this plan. Responsibilities among Federal, State and local governments and the response organizations within those governments are part of the National Response System.

The NCP is a single-hazard plan (oil and hazardous substances) which provides the overall structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants and contaminants.

Because the NCP is found in the Code of Federal Regulations at 40 CFR Part 300, it provides authority for direct Federal response to spills of oil and hazardous substances discharges when necessary rather than being strictly a support plan for responses by State and local governments.

This regulatory base makes the NCP unique because it carries force of law and identifies statutory requirements for response and preparedness. EPA has been delegated the responsibility for the maintenance of the NCP. The NCP requires the development of RCPs and delegates certain responsibilities for the approval of dispersant use, in-situ burning and other oil removal procedures.

The NCP also provides procedures for undertaking response actions pursuant to CERCLA, provides procedures for undertaking removal actions pursuant to Section 311 of the CWA, provides for a national response organization, specifies responsibilities among the Federal, State and local governments and establishes requirements for Federal, regional and ACPs. It also summarizes State and local emergency planning requirements under Title III of SARA.

REGIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN (RCP)

The NCP requires each Federal region, through the collective efforts of the RRT and working closely with the states, develop a RCP. The RRT provides the mechanism for planning and coordination of preparedness and response actions.

Through this mechanism, the RCP is developed and maintained. In addition, the RRT provides guidance to Area Committees to ensure inter-area consistency and consistency with the RCP and NCP. The RCP coordinates timely, effective response by various Federal agencies and other organizations to discharges of oil or releases of hazardous substances, pollutants or contaminants.

AREA CONTINGENCY PLANS (ACPs)

ACPs are required under the provisions of the OPA of 1990 and apply to discharges of oil and to those hazardous substances designated under the CWA. The ACPs, when implemented in conjunction with other provisions of the NCP and RCP, must be adequate to remove a worst case discharge and to mitigate or prevent a substantial threat of such a discharge.

ACPs provide for a well coordinated response that is integrated and compatible, to the greatest extent possible, with all appropriate response plans of state, local and non-Federal entities, and with SARA Title III local emergency response plans.

ACPs for designated areas within a region are developed by appointed Area Committees, each under the direction of a FOSC. Area Committees are planning and preparedness entities and encompass Federal, State, local and private sector representation from within the designated Area.

Area Committees, while charged with the preparation of the ACP do not have operational decision authority to approve the use of dispersants or in-situ burning as a response option. The ACP, however, contains the mechanisms for requesting and granting such approval, as well as any pre-approvals as may be given by the RRT.

Within Region 6, ACPs have been developed by Area Committees representing each of the Captain of the Port Areas. Under the direction of the USCG predesignated FOSC, these plans provide specific procedures and details for response to discharges of oil occurring within each designated area.

The RCP for Federal Region 6 is also the ACP for the inland area of the region. This designation of the inland area was made by the EPA Administrator in April 1993.

As a region wide planning and support coordination plan, this RCP is applicable for both the coastal and inland zones as the umbrella plan for the region and applies to discharges of oil and to releases of hazardous substances and contains the mechanisms to provide resource coordination in support of those specific Area Plans as needed.

When appropriate, EPA Region 6 intends to designate Areas and appoint Area Committees within Region 6, to develop ACPs. Those ACPs when finalized will be implemented for those Areas, and will be consistent with this Regional ACP, the NCP, the CWA and CERCLA.

State and Local Government Plans

STATE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP)

State CEMPs, sometimes called comprehensive emergency operations plans (EOP), are generally multi-hazard plans developed by the State emergency management agency to coordinate the responses and response support activities of State agencies in both natural and technological emergency and disaster situations.

STATE ENVIRONMENTAL AGENCY OIL AND HAZARDOUS SUBSTANCES RESPONSE PLANS

Several of the states in the region have statutes that establish the State environmental agency as the "lead agency for oil and hazardous substance emergency response."

These agencies have developed departmental plans for on-scene response operations to provide the appropriate steps for achieving a safe and efficient management of the environmental aspects of the emergency. The coordinated implementation of these two State level emergency plans addresses the two

demands that arise in an incident involving hazardous materials; demands that are "agent-generated" and those that are "response-generated."

LOCAL/COMMUNITY EMERGENCY MANAGEMENT/OPERATIONS PLANS

The local CEMP or EOP describes the jurisdiction's response to the threats that exist within the community. Unlike the plans developed above the local government, e.g., the State and Federal level, local EOPs are true operations plans. They provide the guidance necessary for coordinated action, including direction and control and the assignment of emergency forces and resources.

Generally, local plans are designed to meet the "response-generated" demands. As such, EPA Region 6 is relying on these plans to have the response resource listings required for ACPs. Those portions of the plans that list response resources and equipment should be referenced during Federal response to incidents.

SARA Title III required each LEPC to prepare an emergency response plan to address the hazards that extremely hazardous substances pose to the community. While these are "single-hazard" plans, many jurisdictions have incorporated these plans into the community EOP or have used the Title III process to drive the development of a multi-hazard plan.

DEPARTMENTAL AND SUPPORT AGENCY PLANS

Plans developed by individual local public safety agencies (fire, law enforcement, public works, emergency medical) and other local support agencies are also true response plans.

They define each department's emergency response structure, operations procedures, and other details of the department's response and are generally concerned with contingencies, notification/action, detailed response procedures unique to the department, equipment lists, resources and field techniques.

The response actions of these individual response/support agency plans are coordinated through the community CEMP or EOP and managed through the local Incident Command System.

Business and Industry Facility Response Plans

Many businesses and industrial facilities, including vessels that use, store, treat, transport or otherwise handle oil, hazardous substances or hazardous wastes, are required by Federal law to prepare emergency or contingency plans to protect their employees and the surrounding communities from fires, explosions and releases of these products. A brief outline of these plans and the facilities required to prepare them follows.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES, 40 CFR Part 264.50

Regulations implementing the Resource Conservation and Recovery Act (RCRA) require owners and operators of hazardous waste facilities to prepare a contingency plan that is designed to minimize the hazards to human health or the environment from fires, explosions or any unplanned release of hazardous wastes.

These plans must be coordinated with local response agencies as well as State and local emergency response teams. The plan must also name an emergency coordinator, include a list of emergency equipment at the facility and define the emergency procedures to be followed.

FACILITY/VESSEL RESPONSE PLANS

OPA requires that certain facilities and tank vessels, both on-shore and off-shore, which handle, store, transfer or transport oil, prepare a facility or vessel response plan. The implementing regulations that apply to on-shore non-transportation related facilities are promulgated by EPA at 40 CFR 112.20.

On-shore transportation related facilities and tank vessels transporting oil are regulated by the USCG, off-shore facilities are regulated by the Minerals Management Service of the Department of Interior and pipelines by the Office of Pipeline Safety, a part of the research and Special Programs Administration in the Department of Transportation.

The response plans, developed in accordance with the regulations issued by these agencies, must be consistent with the NCP and the applicable ACP, identify the qualified individual with authority to

implement removal actions, identify private personnel and equipment necessary to remove, to the maximum extent possible, a worst case discharge and describe training, equipment testing, exercises and response actions of persons on the vessel or at the facility.

SPILL PREVENTION CONTROL AND COUNTERMEASURES (SPCC) PLANS (40 CFR Part 112)

The Oil Pollution Prevention regulation, mandated by the CWA, establishes procedures, methods and equipment requirements to prevent the discharge of oil. The Spill Prevention Control and Countermeasures (SPCC) Plans developed are prevention-oriented rather than response plans.

The SPCC plan must show that containment and /or diversionary structures or equipment are in place to prevent discharged oil from reaching a navigable water course. This requirement also includes a secondary means of containment of bulk storage tanks and other requirements pertinent to loading/unloading facilities and transfer operation, security consideration, personnel training and spill prevention procedures.

CLEAN AIR ACT AMENDMENTS (CAAA): FACILITY RISK MANAGEMENT PLANS (RMP)

The purpose of the CAAA provisions for accident prevention is to ensure that facilities take steps to reduce the likelihood and severity of accidental chemical releases that could harm the public and the environment. The substances identified are those that have the greatest potential to pose a hazard to public health and the environment.

A facility that stores, manufactures, handles or otherwise uses more than a threshold quantity of a listed substance (which include 77 acutely toxic substances, 63 flammable gases, volatile flammable liquids and Division 1.1 high explosives) must develop and implement a RMP. This plan must include offsite consequence analysis, a 5-year accident history, a prevention program and an emergency response program.

The written emergency response plan includes specific actions to be taken in response to an accidental release of a regulated substance to protect human health and the environment and must also include procedures for notifying and alerting the public and public response agencies, facility response procedures and a list of all response and mitigation technologies.

The RMPs must be coordinated with the local emergency planning committee's community plan prepared under SARA Title III.

EMPLOYEE EMERGENCY AND FIRE PREVENTION PLANS, 29 CFR 1910.38

This planning requirement, mandated by the OSHA Act, is a general coverage requirement applicable to all employers that designates the actions employers and employees must take to ensure safety from fire and other emergencies.

Plans must include emergency escape procedures and route assignments, procedures for reporting emergencies and procedures to account for all employees following an emergency evacuation. These plans must be written, except for employers with fewer than 10 employees where the plan may be communicated orally. These emergency plans should be incorporated where applicable into the RMP required by the CAAA.

HAZARDOUS WASTE OPERATION AND EMERGENCY RESPONSE (HAZWOPER), 29 CFR Part 1910.120

This regulation was developed in response to Title I of the Superfund Amendments and Reauthorization Act (SARA) because workers involved in these type operations were not specifically covered.

The regulation requires employers to prepare plans covering emergency response by workers at uncontrolled hazardous waste sites (1910.120 (l)), employees conducting operations at RCRA treatment, storage and disposal sites (1910.120 (p)) and employees involved in emergency response to hazardous substances releases (1910.120 (q)). This latter requirement covers employees who are engaged in emergency response no matter where it occurs.

The elements of these response plans are similar and must include planning and coordination with outside parties, recognition and prevention, evacuation routes and procedures, alerting and response procedures and, for emergency response under subparagraph (q), designation of the individual in charge of a site-specific Incident Command System.

1910.120 (q)(6) also mandates the minimum levels of training personnel must have before they can participate in response operations.

PROCESS SAFETY MANAGEMENT (29 CFR 1910.119)

The Process Safety Management (PSM) standard is intended to protect workers within a facility from catastrophic releases of specified toxic, flammable and reactive materials. The major difference between this standard and the RMP required by the CAAA is that this standard primarily applies to the inside-the-plant environment, while the RMP deals primarily with offsite emergency procedures and consequences.

Abbreviations & Acronyms

AC	Area Committee
ARARs	Applicable or Relevant and Appropriate Requirements
ACP	Area Contingency Plan
AST	Atlantic Strike Team
ADEQ	Arkansas Department of Environmental Quality
ATSDR	Agency for Toxic Substances and Disease Registry
BIA	Bureau of Indian Affairs
BOA	Basic Ordering Agreement
BLM	Bureau of Land Management
BuRec	Bureau of Reclamation
CAMEO	Computer-Aided Management of Emergency Operations
COTP	Captain of the Port
CDC	Centers for Disease Control
CRC	Community Relations Coordinator
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CRP	Community Relations Plan
CHEMTREC	Chemical Transportation Emergency Center
CWA	Clean Water Act
DOC	Department of Commerce
DOL	Department of Labor
DOD	Department of Defense
DOS	Department of State
DOE	Department of Energy
DOT	Department of Transportation
DOI	Department of the Interior
DRAT	District Response Advisory Team (USCG)
DOJ	Department of Justice
EPA	Environmental Protection Agency
ERRU	Environmental Emergency Response Unit
EPCRA	Emergency Planning and Community Right-To-Know Act
ERT	Environmental Response Team
EPIC	Environmental Photographic Interpretation Center
ESA	Endangered Species Act
ERRS	Emergency Response & Removal Services
ESF	Emergency Support Function
FBI	Federal Bureau of Investigation
FLAT	Federal Lead Administrative Trustee
FCO	Federal Coordinating Officer
FOSC	Federal On-Scene Coordinator
FEMA	Federal Emergency Management Agency
FRERP	Federal Radiological Emergency Response Plan
FHWA	Federal Highway Administration
FWPCA	Federal Water Pollution Control Act
GIS	Geographic Information System
GST	Gulf Strike Team
GSA	General Services Administration
HAZMAT	Hazardous Materials
HHS	Department of Health and Human Services
IAG	Interagency Agreement
ICS	Incident Command System
LDEQ	Louisiana Department of Environmental Quality
LOSC	Local On-Scene Coordinator
LEPC	Local Emergency Planning Committee

LSP	Louisiana State Police
MOA	Memorandum of Agreement
MSD	Marine Safety Detachment
MOU	Memorandum of Understanding
MSO	Marine Safety Office
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NPS	National Park Service
NIMS	National Incident Management System
NRC	National Response Center
NIOSH	National Institute for Occupational Safety and Health
NRCS	Natural Resources Conservation Service
NMED	New Mexico Environment Department
NRF	National Response Framework
NOAA	National Oceanic and Atmospheric Administration
NRT	National Response Team
NPFC	National Pollution Funds Center
NSF	National Strike Force
ODEQ	Oklahoma Department of Environmental Quality
OSLTF	Oil Spill Liability Trust Fund
OPS	Office of Pipeline Safety
O & M	Operation and Maintenance
PFO	Principal Federal Official
PREP	National Preparedness for Response Exercise Program
PIAT	Public Information Assist Team
PRP	Potentially Responsible Party
POLREP	Pollution Report in Message Format
PST	Pacific Strike Team
RA	Regional Administrator
RP	Responsible Party
RAT	Radiological Assistance Team
RRT	Regional Response Team
RCP	Regional Contingency Plan
RSPA	Research and Special Programs Administration
REOC	Regional Emergency Operations Center
R & D	Research and Development
RICP	Regional Integrated Contingency Plan
SACP	Sub-Area Contingency Plan
SMOA	Superfund Memorandum of Agreement
SARA	Superfund Amendments and Reauthorization Act of 1986
SOSC	State On-Scene Coordinator
SERC	State Emergency Response Commission
SSC	Scientific Support Coordinator
SHPO	State Historic Preservation Officer
START	Superfund Technical Assessment and Response Team
TCEQ	Texas Commission on Environmental Quality
USCG	United States Coast Guard
USFWS	United States Fish and Wildlife Service
USDA	United States Department of Agriculture
USGS	United States Geological Survey
WCD	Worst Case Discharge
WMD	Weapons of Mass Destruction

Definitions

- **Activation** means notification by telephone or other expeditious manner or, when required, the assembly of some or all appropriate members of the RRT or NRT.
- **Alternative water supplies** as defined by section 101(34) of CERCLA, includes, but is not limited to, drinking water and household water supplies.
- **Applicable** requirements means those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under federal environmental or state environmental or facility siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance found at a CERCLA site. Only those state standards that are identified by a state in a timely manner and that are more stringent than federal requirements may be applicable.
- **Area Committee** As provided for by 311(a)(18) and (j)(4) of Clean Water Act (CWA), means entity appointed by President consisting of members from qualified personnel of Federal, State, and local agencies with responsibilities that include preparing an Area Contingency Plan for area designated by President
- **Area Contingency Plan** As provided for by 311(a)(19) and (j)(4) of CWA, means plan prepared by Area Committee that is developed to be implemented in conjunction with NCP and RCP, in part to address removal of worst case discharge and to mitigate or prevent substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operating in or near an Area designated by President
- **Bioremediation agents** means microbiological cultures, enzyme additives, or nutrient additives that are deliberately introduced into an oil discharge and that will significantly increase the rate of biodegradation to mitigate the effects of the discharge.
- **Boundary** A continuous demarcation line separating the Inland Zone from the Coastal Zone
- **Burning agents** means those additives that, through physical or chemical means, improve the combustibility of the materials to which they are applied.
- **CERCLA** is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986.
- **Chemical agents** means those elements, compounds, or mixtures that coagulate, disperse, dissolve, emulsify, foam, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, congeal, entrap, fix, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or the removal of the pollutant from the water. Chemical agents include biological additives, dispersants, sinking agents, miscellaneous oil spill control agents, and burning agents, but do not include sorbents.
- **Claim** for purposes of a release under CERCLA, means a demand in writing for a sum certain; for purposes of a discharge under CWA, it means a request, made in writing for a sum certain, for compensation for damages or removal costs resulting from an incident.
- **Claimant** as defined by section 1001 of the OPA means any person or government who presents a claim for compensation under Title I of the OPA.
- **Coastal waters** As defined in the NCP, for the purposes of classifying the size of discharges, the waters of the coastal zone, except for specified ports and harbors on inland rivers. Precise boundaries are identified in USCG/EPA agreements, Federal Regional Contingency Plans and ACPs.
- **Coastal zone** As defined for purpose of NCP, means all United States waters subject to tide, United States waters of Great Lakes, specified ports and harbors on inland rivers, waters of contiguous zone, other waters of high seas subject to NCP, and land surface or land substrata, ground waters, and ambient air proximal to those waters. Coastal zone delineates area of federal responsibility for response action.
- **Coast Guard District Response Group (DRG)** as provided for by CWA sections 311(a)(20) and (j)(3), means the entity established by the Secretary of the department in which the USCG is operating, within each USCG district, and shall consist of: the combined USCG personnel and equipment, including marine firefighting equipment, of each port in the district; additional prepositioned response equipment; and a district response advisory team.
- **Community relations** means EPA's program to inform and encourage public participation in the Superfund process and to respond to community concerns. The term "public" includes citizens directly

affected by the site, other interested citizens or parties, organized groups, elected officials, and potentially responsible parties (PRPs).

- **Community relations coordinator** means lead agency staff who work with the FOSC/RPM to involve and inform the public about the Superfund process and response actions in accordance with the interactive community relations requirements set forth in the NCP.
- **Contingency Plan:** (1) A document used by federal, tribal, state, and local agencies to guide their planning and response procedures regarding spills of oil, hazardous substances, or other emergencies; (2) a document used by industry as a response plan to spills of oil, hazardous substances, or other emergencies occurring upon their transportation vehicle, or at their facilities.
- **Contiguous zone** means the zone of the high seas, established by the United States under Article 24 of the Convention on the Territorial Sea and Contiguous Zone, which is contiguous to the territorial sea and which extends nine miles seaward from the outer limit of the territorial sea.
- **Cooperative agreement** is a legal instrument EPA uses to transfer money, property, services, or anything of value to a recipient to accomplish a public purpose in which substantial EPA involvement is anticipated during the performance of the project.
- **Damages**, as defined by section 1001 of OPA, means damages specified in section 1002(b) of the Act, and includes the cost of assessing these damages.
- **Discharge** As defined by 311(a)(2) of CWA, includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with permit under 402 of CWA, discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to permit issued or modified under 402 of CWA, and subject to condition in such permit, or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under 402 of CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of NCP, discharge also means substantial threat of discharge
- **Dispersants** means those chemical agents that emulsify, disperse, or solubilize oil into the water column or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column.
- **Drinking water supply** As defined by Section 101(7) of CERCLA, means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act, 42 U.S.C. et seq.) or as drinking water by one or more individuals
- **Economically sensitive areas** Those areas of explicit economic importance to the public that due to their proximity to potential spill sources may require special protection and include, but are not limited to: public water supplies, publicly managed use areas, and Tribal use areas
- **EPCRA** Created a system of State and local planning agencies for chemical emergencies and provided a way for communities to gain information about potential chemical hazards. EPCRA's mandates cover 3 main topics: emergency planning, notification requirements, and requirements for reporting hazardous chemical inventories
- **Environment** as defined by section 101(8) of CERCLA, means the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson Fishery Conservation and Management Act(16 U.S.C. 1801 et seq.); and any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
- **Environmentally sensitive areas** Areas identified as priority for protection and special attention during cleanup in event of pollution incident. In addition to this definition, Area Committees may include additional areas determined to be "sensitive."
- **Facility** as defined by section 101(9) of CERCLA, means any building, structure, installation, equipment, pipe or pipeline(including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or any site or area, where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel. As defined by section 1001 of the OPA, it means any structure, group of structures, equipment, or device which is used for one or more of the following purposes: Exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil. This term includes any motor vehicle, rolling stock, or pipeline used for one or more of these purposes.

- **Federal Radiological Emergency Response Plan (FRERP)** means the inter-agency agreement for coordinating the response of various agencies, under a variety of statutes, to a large radiological accident. The Lead Federal Agency (LFA), defined by the FRERP, activates the FRERP for any peacetime radiological emergency which, based upon its professional judgment, is expected to have a significant radiological effect within the United States, its territories, possessions, or territorial waters and that could require a response by several federal agencies.
- **First federal official** means the first federal representative of a participating agency of the National Response Team to arrive at the scene of a discharge or a release. This official coordinates activities under the NCP and may initiate, in consultation with the FOSC, any necessary actions until the arrival of the predesignated FOSC. A state with primary jurisdiction over a site covered by a cooperative agreement will act in the stead of the first federal official for any incident at the site.
- **Fund or Trust Fund** means the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986.
- **Ground water** as defined by section 101(12) of CERCLA, means water in a saturated zone or stratum beneath the surface of land or water.
- **Hazardous substance** as defined by section 101(14) of CERCLA, means:
 - any substance designated pursuant to section 311(b)(2)(A) of the CWA; any element, compound, mixture, solution, or substance designated pursuant to section 102 of CERCLA;
 - any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act(42 U.S.C. 6901 et seq.) has been suspended by Act of Congress);
 - any toxic pollutant listed under section 307(a) of the CWA;
 - any hazardous air pollutant listed under section 112 of the Clean Air Act(42 U.S.C. 7521 et seq.);
 - and any imminently hazardous chemical substance or mixture with respect to which the EPA Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act(15 U.S.C. 2601 et seq.).

The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance in the first sentence of this paragraph, and the term does not include natural gas, natural gas liquids, liquified natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- **Indian tribe** as defined by section 101(36) of CERCLA, means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. As defined by OPA 1001, means any Indian tribe, band, nation, or other organized group or community, but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and has governmental authority over lands belonging to or controlled by the tribe.
- **Inland waters**, for the purposes of classifying the size of discharges, means those waters of the United States in the inland zone, waters of the Great Lakes, and specified ports and harbors on inland rivers.
- **Inland zone** means the environment inland of the coastal zone excluding the Great Lakes and specified ports and harbors on inland rivers. The term inland zone delineates an area of federal responsibility for response action. Precise boundaries are determined by EPA/USCG agreements and identified in federal regional contingency plans.
- **Lead administrative trustee** means a natural resource trustee who is designated on an incident-by-incident basis for the purpose of preassessment and damage assessment and chosen by the other trustees whose natural resources are affected by the incident. The lead administrative trustee facilitates effective and efficient communication during response operations between the FOSC and the other natural resource trustees conducting activities associated with damage assessment, and is responsible for applying to the FOSC for access to response operations resources on behalf of all trustees for initiation of a damage assessment.
- **Lead agency** means the agency that provides the FOSC/RPM to plan and implement response actions under the NCP. EPA, the USCG, another federal agency, or a state(or political subdivision of a state)

operating pursuant to a contract or cooperative agreement executed pursuant to section 104(d)(1) of CERCLA, or designated pursuant to a Superfund Memorandum of agreement (SMOA) entered into pursuant to subpart F of the NCP or other agreements may be the lead agency for a response action. In the case of a release of a hazardous substance, pollutant, or contaminant, where the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of Department of Defense (DOD) or Department of Energy (DOE), then DOD or DOE will be the lead agency. Where the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of a federal agency other than EPA, the USCG, DOD, or DOE, then that agency will be the lead agency for remedial actions and removal actions other than emergencies.

- **Local Emergency Planning Committee (LEPC)** A group of local representatives appointed by the SERC to prepare comprehensive emergency plan for the local emergency planning district, as required by EPCRA, Title III Section 301(c) of SARA
- **Management of migration** means actions that are taken to minimize and mitigate the migration of hazardous substances or pollutants or contaminants and the effects of such migration. Measures may include, but are not limited to, management of a plume of contamination, restoration of a drinking water aquifer, or surface water restoration.
- **Miscellaneous oil spill control agent** is any product, other than a dispersant, sinking agent, surface washing agent, surface collecting agent, bioremediation agent, burning agent, or sorbent that can be used to enhance oil spill cleanup, removal, treatment, or mitigation.
- **National Contingency Plan (NCP)** As required by 105 of CERCLA, 42 U.S.C. 9605, as amended by SARA, Pub. L. 99-499, and by 311(d) of CWA, 33 U.S.C. 1321(d), as amended by OPA, Pub. L. 101-380, NCP provides nationwide organizational structure and procedures for responding to discharges of oil and releases of hazardous substances, pollutants and contaminants. In Executive Order (E.O.) 12777 (56 FR 54757, October 1991), President delegated to EPA responsibility for amendment of NCP in coordination with members of NRT as well as FEMA and Nuclear Regulatory Commission to avoid inconsistent or duplicative requirements in planning responsibilities of those agencies
- **National Pollution Funds Center (NPFC)** means the entity established by the Secretary of Transportation whose function is the administration of the Oil Spill Liability Trust Fund (OSLTF). Among the NPFC's duties are: providing appropriate access to the OSLTF for federal agencies and states for removal actions and for federal trustees to initiate the assessment of natural resource damages; providing appropriate access to the OSLTF for claims; and coordinating cost recovery efforts.
- **National Priorities List (NPL)** means the list, compiled by EPA pursuant to CERCLA section 105, of uncontrolled hazardous substance releases in the United States that are priorities for long-term remedial evaluation and response.
- **National Response System (NRS)** is the mechanism for coordinating response actions by all levels of government in support of the FOSC/RPM. The NRS is composed of the NRT, RRTs, FOSC/RPM, Area Committees, and Special Teams and related support entities. The NRS is capable of expanding or contracting to accommodate the response effort required by the size or complexity of the discharge or release.
- **National Strike Force (NSF)** is a special team established by the USCG, including the three USCG Strike Teams, the Public Information Assist Team (PIAT), and the National Strike Force Coordination Center. The NSF is available to assist FOSCs / RPMs in their preparedness and response duties.
- **National Strike Force Coordination Center (NSFCC)**, authorized as the National Response Unit by CWA sections 311(a)(23) and (j)(2), means the entity established by the Secretary of the department in which the USCG is operating at Elizabeth City, North Carolina with responsibilities that include administration of the USCG Strike Teams, maintenance of response equipment inventories and logistic networks, and conducting a national exercise program.
- **Native American Tribe** Any Indian tribe, band, nation, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and has governmental authority over lands belonging to, or controlled by the tribe.
- **Natural Resource Trustees** Officials representing State, Tribal, Federal, and foreign governments who are authorized to act pursuant to 107(f) of CERCLA, 311(f)(5) of the CWA, or section 10006 of

the OPA when there is injury or threat to natural resources, including their supporting ecosystems, as a result of a release of a hazardous substance or a discharge of oil. Natural resources means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources

- **Natural resources** means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the exclusive economic zone defined by the Magnuson Fishery Conservation and Management Act of 1976), any state or local government, any foreign government, any Indian tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Indian tribe.
- **Navigable waters** as defined by 40 CFR 110.1, means the waters of the United States, including the territorial seas. The term includes:
 - All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
 - Interstate waters, including interstate wetlands;
 - All other waters such as intrastate lakes, rivers, streams(including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters;
 - That are or could be used by interstate or foreign travelers for recreational or other purposes;
 - From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;
 - That are used or could be used for industrial purposes by industries in interstate commerce;
 - All impoundments of waters otherwise defined as navigable waters under this section;
 - Tributaries of waters identified in paragraphs(a) through(d) of this definition, including adjacent wetlands;
 - Wetlands adjacent to waters identified in paragraphs(a) through(e) of this definition: Provided, that waste treatment systems(other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States; and
 - Waters of the United States do not include prior converted cropland.

Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

- **Offshore facility** as defined by section 101(17) of CERCLA and section 311(a)(11) of the CWA, means any facility of any kind located in, on, or under any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.
- **Oil** as defined by section 311(a)(1) of the CWA, means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil, as defined by section 1001 of the OPA means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include petroleum, including crude oil or any fraction thereof, which is specifically listed or designated as a hazardous substance under subparagraphs(A) through(F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act(42 U.S.C. 9601) and which is subject to the provisions of that Act.
- **Oil Spill Liability Trust Fund (OSLTF)** means the fund established under section 9509 of the Internal Revenue Code of 1986(26 U.S.C. 9509).
- **On-scene coordinator (OSC)** means the federal official predesignated by EPA or the USCG to coordinate and direct responses under subpart D, or the government official designated by the lead agency to coordinate and direct removal actions under subpart E of the NCP.
- **Onshore facility** as defined by section 101(18) of CERCLA, means any facility(including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under any land or non-navigable waters within the United States; and, as defined by section 311(a)(10) of the CWA, means any

facility(including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land.

- **On-site** means the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action.
- **Operation and maintenance (O&M)** means measures required to maintain the effectiveness of response actions.
- **Person** as defined by section 101(21) of CERCLA, means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States government, state, municipality, commission, political subdivision of a state, or any interstate body. As defined by section 1001 of the OPA, "person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.
- **Pollutant or contaminant** as defined by section 101(33) of CERCLA, shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions(including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under section 101 (14)(A) through(F) of CERCLA, nor does it include natural gas, liquified natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas). For purposes of the NCP, the term pollutant or contaminant means any pollutant or contaminant that may present an imminent and substantial danger to public health or welfare of the United States.
- **Post-removal site control** means those activities that are necessary to sustain the integrity of a Fund-financed removal action following its conclusion. Post-removal site control may be a removal or remedial action under CERCLA. The term includes, without being limited to, activities such as relighting gas flares, replacing filters, and collecting leachate.
- **Potentially Responsible Party (PRP)** Any individual(s), or company(ies) identified as potentially liable under CERCLA for cleanup or payment for costs of cleanup of hazardous substance sites. PRPs may include individual(s), or company(ies) identified as having owned, operated, or in some other manner contributed wastes to hazardous substance sites.
- **Preliminary assessment (PA)** under CERCLA means review of existing information and an off- site reconnaissance, if appropriate, to determine if a release may require additional investigation or action. A PA may include an on- site reconnaissance, if appropriate.
- **Public vessel** as defined by section 311(a)(4) of the CWA, means a vessel owned or bareboat- chartered and operated by the United States, or by a state or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.
- **Regional Contingency Plan (RCP)** As provided for by 300.210 (b) of NCP, and under the auspices of RRT, RCP is mechanism for planning and coordinating regional preparedness and response actions for discharges of oil and releases of hazardous substances
- **Regional Response Team (RRT)** As defined in NCP, regional response organization (consisting of representative from each State in region and representatives from 15 Federal Agencies) which acts as regional body responsible for regional planning and coordination of preparedness and response actions involving oil and hazardous materials. RRT coordinates assistance and advice to FOSC in event of major or substantial spill
- **Release** as defined by section 101(22) of CERCLA, means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment(including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes:
 - any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons;
 - emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;
 - release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the atomic Energy Act of 1954, if such release is subject to requirements with

respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act;

- and the normal application of fertilizer.

For purposes of the NCP, release also means threat of release.

- **Relevant and appropriate requirements** means those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under federal environmental or state environmental or facility siting laws that, while not "applicable" to a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance at a CERCLA site, address problems or situations sufficiently similar to those encountered at the CERCLA site that their use is well suited to the particular site. Only those state standards that are identified in a timely manner and are more stringent than federal requirements may be relevant and appropriate.
- **Remove or removal** as defined by section 311(a)(8) of the CWA, refers to containment and removal of oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare of the United States (including, but not limited to, fish, shellfish, wildlife, public and private property, and shorelines and beaches) or to the environment. For the purpose of the NCP, the term also includes monitoring of action to remove a discharge. As defined by section 101(23) of CERCLA, remove or removal means the cleanup or removal of released hazardous substances from the environment; such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment; such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances; the disposal of removed material; or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare of the United States or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 104(b) of CERCLA, post-removal site control, where appropriate, and any emergency assistance which may be provided under the Disaster Relief act of 1974. For the purpose of the NCP, the term also includes enforcement activities related thereto.
- **Removal costs** as defined by section 1001 of the OPA means the costs of removal that are incurred after a discharge of oil has occurred, or in any case in which there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from such an incident.
- **Respond or response** as defined by section 101(25) of CERCLA, means remove, removal, remedy, or remedial action, including enforcement activities related thereto.
- **Responsible party** as defined by section 1001 of the OPA, means the following:
 - Vessels-In the case of a vessel, any person owning, operating, or demise chartering the vessel.
 - Onshore Facilities-In the case of an onshore facility (other than a pipeline), any person owning or operating the facility, except a federal agency, state, municipality, commission, or political subdivision of a state, or any interstate body, that as the owner transfers possession and right to use the property to another person by lease, assignment, or permit.
 - Offshore Facilities-In the case of an offshore facility (other than a pipeline or a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.)), the lessee or permittee of the area in which the facility is located or the holder of a right of use and easement granted under applicable state law or the Outer Continental Shelf Lands Act (43 U.S.C. 1301-1356) for the area in which the facility is located.
 - Deepwater Ports-In the case of a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501-1524), the licensee.
 - Pipelines-In the case of a pipeline, any person owning or operating the pipeline.
 - Abandonment-In the case of an abandoned vessel, onshore facility, deepwater port, pipeline, or offshore facility, the person who would have been responsible parties immediately prior to the abandonment of the vessel or facility.
- **SARA** is the Superfund Amendments and Reauthorization Act of 1986. In addition to certain free-standing provisions of law, it includes amendments to CERCLA, the Solid Waste Disposal Act, and the Internal Revenue Code. Among the free-standing provisions of law is Title III of SARA, also known as the "Emergency Planning and Community Right-to-Know Act of 1986."

- **Sinking agents** means those additives applied to oil discharges to sink floating pollutants below the water surface.
- **Site inspection (SI)** means an on-site investigation to determine whether there is a release or potential release and the nature of the associated threats. The purpose is to augment the data collected in the preliminary assessment and to generate, if necessary, sampling and other field data to determine if further action or investigation is appropriate.
- **Size classes of discharges** refers to the following size classes of oil discharges which are provided as guidance to the FOSC and serve as the criteria for the actions delineated in subpart D. They are not meant to imply associated degrees of hazard to public health or welfare of the United States, nor are they a measure of environmental injury. Any oil discharge that poses a substantial threat to public health or welfare of the United States or the environment or results in significant public concern shall be classified as a major discharge regardless of the following quantitative measures:
 - Minor discharge means a discharge to the inland waters of less than 1,000 gallons of oil or a discharge to the coastal waters of less than 10,000 gallons of oil.
 - Medium discharge means a discharge of 1,000 to 10,000 gallons of oil to the inland waters or a discharge of 10,000 to 100,000 gallons of oil to the coastal waters.
 - Major discharge means a discharge of more than 10,000 gallons of oil to the inland waters or more than 100,000 gallons of oil to the coastal waters.
- **Size classes of releases** refers to the following size classifications which are provided as guidance to the FOSC for meeting pollution reporting requirements in subpart B. The final determination of the appropriate classification of a release will be made by the FOSC based on consideration of the particular release (e.g., size, location, impact, etc.):
 - Minor release means a release of a quantity of hazardous substance(s), pollutant(s), or contaminant(s) that poses minimal threat to public health or welfare of the United States or the environment.
 - Medium release means a release not meeting the criteria for classification as a minor or major release.
 - Major release means a release of any quantity of hazardous substance(s), pollutant(s), or contaminant(s) that poses a substantial threat to public health or welfare of the United States or the environment or results in significant public concern.
- **Sorbents** means essentially inert and insoluble materials that are used to remove oil and hazardous substances from water through adsorption, in which the oil or hazardous substance is attracted to the sorbent surface and then adheres to it; absorption, in which the oil or hazardous substance penetrates the pores of the sorbent material; or a combination of the two. Sorbents are generally manufactured in particulate form for spreading over an oil slick or as sheets, rolls, pillows, or booms. The sorbent material may consist of, but is not limited to, the following materials:
 - Organic products
 - Peat moss or straw;
 - Cellulose fibers or cork;
 - Corn cobs;
 - Chicken, duck, or other bird feathers.
 - Mineral compounds
 - Volcanic ash or perlite;
 - Vermiculite or zeolite
 - Synthetic products
 - Polypropylene;
 - Polyethylene;
 - Polyurethane;
 - Polyester
- **Source control action** is the construction or installation and start-up of those actions necessary to prevent the continued release of hazardous substances or pollutants or contaminants (primarily from a source on top of or within the ground, or in buildings or other structures) into the environment.
- **Source control maintenance** measures are those measures intended to maintain the effectiveness of source control actions once such actions are operating and functioning properly, such as the maintenance of landfill caps and leachate collection systems.

- **Specified ports and harbors** means those ports and harbor areas on inland rivers, and land areas immediately adjacent to those waters, where the USCG acts as predesignated on-scene coordinator. Precise locations are determined by EPA/USCG regional agreements and identified in federal RCPs and ACPs.
- **Spill of national significance (SONS)** means a spill that due to its severity, size, location, actual or potential impact on the public health and welfare or the environment, or the necessary response effort, is so complex that it requires extraordinary coordination of federal, state, local, and responsible party resources to contain and clean up the discharge.
- **State** means the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction. For purposes of the NCP, the term includes Indian tribes as defined in the NCP except where specifically noted. Section 126 of CERCLA provides that the governing body of an Indian tribe shall be afforded substantially the same treatment as a state with respect to certain provisions of CERCLA.
- **State Emergency Response Commission (SERC)** As provided in SARA 301.(a), individual or group of officials appointed by State governor to implement the provisions of EPCRA. The SERC coordinates and supervises the work of the LEPCs and reviews local emergency plans annually
- **Superfund Memorandum of Agreement (SMOA)** means a nonbinding, written document executed by an EPA Regional Administrator and the head of a state agency that may establish the nature and extent of EPA and state interaction during the removal, pre-remedial, remedial, and/or enforcement response process. The SMOA is not a site-specific document although attachments may address specific sites. The SMOA generally defines the role and responsibilities of both the lead and the support agencies.
- **Superfund state contract** is a joint, legally binding agreement between EPA and a state to obtain the necessary assurances before a federal-lead remedial action can begin at a site. In the case of a political subdivision-lead remedial response, a three- party Superfund state contract among EPA, the state, and political subdivision thereof, is required before a political subdivision takes the lead for any phase of remedial response to ensure state involvement pursuant to section 121(f)(1) of CERCLA. The Superfund state contract may be amended to provide the state's CERCLA section 104 assurances before a political subdivision can take the lead for remedial action.
- **Support agency** means the agency or agencies that provide the support agency coordinator to furnish necessary data to the lead agency, review response data and documents, and provide other assistance as requested by the FOSC or RPM. EPA, the USCG, another federal agency, or a state may be support agencies for a response action if operating pursuant to a contract executed under section 104(d)(1) of CERCLA or designated pursuant to a Superfund Memorandum of Agreement entered into pursuant to subpart F of the NCP or other agreement. The support agency may also concur on decision documents.
- **Support agency coordinator (SAC)** means the official designated by the support agency, as appropriate, to interact and coordinate with the lead agency in response actions under subpart E of this part.
- **Surface collecting agents** means those chemical agents that form a surface film to control the layer thickness of oil.
- **Surface washing agent** is any product that removes oil from solid surfaces, such as beaches and rocks, through a detergency mechanism and does not involve dispersing or solubilizing the oil into the water column.
- **Tank vessel** as defined by section 1001 of the OPA means a vessel that is constructed or adapted to carry, or that carries oil or hazardous material in bulk as cargo or cargo residue, and that:
 - is a vessel of the United States;
 - operates on the navigable waters; or
 - transfers oil or hazardous material in a place subject to the jurisdiction of the United States.
- **Treatment technology** means any unit operation or series of unit operations that alters the composition of a hazardous substance or pollutant or contaminant through chemical, biological, or physical means so as to reduce toxicity, mobility, or volume of the contaminated materials being treated. Treatment technologies are an alternative to land disposal of hazardous wastes without treatment.
- **Trustee** means an official of a federal natural resources management agency designated in subpart G of the NCP or a designated state official or Indian tribe or, in the case of discharges covered by the OPA, a foreign government official, who may pursue claims for damages under section 107(f) of CERCLA or section 1006 of the OPA.

- **United States** when used in relation to section 311(a)(5) of the CWA, means the states, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, the United States Virgin Islands, and the Pacific Island Governments. United States, when used in relation to section 101(27) of CERCLA and section 1001(36) of the OPA, includes the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction.
- **Used oil** Any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities
- **Vessel** as defined by section 101(28) of CERCLA, means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water; and, as defined by section 311(a)(3) of the CWA, means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.
- **Volunteer** means any individual accepted to perform services by the lead agency which has authority to accept volunteer services (examples: See 16 U.S.C. 742f(c)). A volunteer is subject to the provisions of the authorizing statute and the NCP.
- **Waste oil** For the purposes of this Plan waste oil is any oil that has been refined from crude oil, or any synthetic oil, that has been physically or chemically contaminated as a result of a spill
- **Worst case discharge** as defined by section 311(a)(24) of the CWA, means, in the case of a vessel, a discharge in adverse weather conditions of its entire cargo, and, in the case of an offshore facility or onshore facility, the largest foreseeable discharge in adverse weather conditions.

THE NATIONAL RESPONSE SYSTEM

Section 1: How the System Works

First Line of Defense

When a release or spill occurs, the company responsible for the release, its response contractors, the local fire and police departments, and the local emergency response personnel provide the first line of defense. If needed, a variety of state agencies stand ready to support, assist, or take over response operations if an incident is beyond local capabilities.

In cases where a local government or Indian tribe conducts temporary emergency measures in response to a hazardous substance release, but does not have emergency response funds budgeted, EPA operates the LGR program that will reimburse local governments or Indian tribes up to \$25,000 per incident.

Federal Involvement

If the amount of a hazardous substance release or oil spill exceeds the established reporting trigger, the organization responsible for the release or spill is required by law to notify the federal government's NRC. Once a report is made, the NRC immediately notifies a pre-designated EPA or USCG FOSC, based on the location of the spill.

The procedure for determining the lead agency is clearly defined so there is no confusion about who is in charge during a response. The FOSC determines the status of the local response and monitors the situation to determine whether, or how much, federal involvement is necessary.

It is the FOSC's job to ensure that the cleanup, whether accomplished by industry, local, state, or federal officials, is appropriate, timely, and minimizes human and environmental damage.

The FOSC may determine that the local action is sufficient and that no additional federal action is required. If the incident is large or complex, the FOSC may remain on the scene to monitor the response and advise on the deployment of personnel and equipment. However, the FOSC will take command of the response in the following situations:

- If the party responsible for the chemical release or oil spill is unknown or not cooperative;
- If the FOSC determines that the spill or release is beyond the capacity of the company, local, or state responders to manage; or
- For oil spills, if the incident is determined to present a substantial threat to public health or welfare due to the size or character of the spill.

The FOSC may request additional support to respond to a release or spill, such as additional contractors, technical support from EPA's ERT, or Emergency Response Program SSCs from EPA or NOAA. The FOSC also may seek support from the RRT to access special expertise or to provide additional logistical support.

In addition, the NRT stands ready to provide backup policy and logistical support to the FOSC and the RRT during an incident.

The federal government will remain involved at the oil spill site following response actions to undertake a number of activities, including assessing damages, supporting restoration efforts, recovering response costs from the parties responsible for the spill, and, if necessary, enforcing the liability and penalty provisions of the CWA, as amended by OPA.

Key Components of System

Key components in the NRS include the NRC, the NRT, the thirteen RRTs, and the FOSCs.

They work with state and local officials to develop and maintain a network of response contingency plans that enables the nation to respond effectively to hazardous substance and oil emergencies.

When an incident occurs, these organizations coordinate with the FOSC in charge so that all necessary resources such as personnel and equipment are made available, and so that containment, cleanup, and disposal activities are timely, efficient, and effective.

Through this safety net provided by the federal government, the nation has successfully contained several major oil spills and releases of hazardous substances time and again, minimizing the impacts on human health and the environment.

National Response Center

The NRC is the federal government's national communications center, which is staffed 24 hours a day by USCG officers and marine science technicians. The NRC receives all reports of releases involving hazardous substances and oil that trigger the federal notification requirements under several laws. Reports to the NRC activate the NCP and the federal government's response capabilities. It is the responsibility of the NRC staff to notify the pre-designated FOSC assigned to the area of the incident and to collect available information on the size and nature of the release, the facility or vessel involved, and the party(ies) responsible for the release. The NRC maintains reports of all releases and spills in a national database.

National Response Team

Response planning and coordination is accomplished at the federal level through the NRT, an interagency group co-chaired by the EPA and the USCG (also see NRT Member Roles and Responsibilities for more information on this group).

Although the NRT does not respond directly to incidents, it is responsible for three major activities related to managing responses: (1) distributing information; (2) planning for emergencies; and (3) training for emergencies. The NRT also supports the RRTs.

- Response Committee, chaired by EPA, addresses issues such as response operations, technology employment during response, operational safety, and interagency facilitation of response issues (e.g., customs on transboundary issues). Response specific national policy/program coordination and capacity building also reside in this committee.
- Preparedness Committee, chaired by the USCG, addresses issues such as preparedness training, monitoring exercises/drills, planning guidance, planning interoperability, and planning consistency issues. Preparedness specific national policy/program coordination and capacity building also reside in this committee.
- Science and Technology Committee, chaired by EPA and the NOAA in alternating years, provides national coordination on issues that parallel those addressed by the Scientific Support Coordinator on an incident by incident basis. The focus of this committee is on identifying developed technology and mechanisms for applying those technologies to enhance operational response. The committee monitors research and development of response technologies and provides relevant information to the RRTs and other members of the NRS to assist in the use of such technologies.

Supporting Regional Response Teams

The NRT supports RRTs by reviewing Regional or Area Contingency Plans to maintain consistency with national policies on emergency response. The NRT also supports RRTs by monitoring and assessing RRT effectiveness during an incident.

The NRT may ask an RRT to focus on specific lessons learned from a particular incident and to share those lessons with other members of the National Response System. In this way, the RRTs can improve their own regional contingency plans while helping to solve problems that might be occurring elsewhere within the NRS.

• Regional Response Teams

There are thirteen RRTs in the U.S., each representing a particular geographic region (including the Caribbean and the Pacific Basin). RRTs are composed of representatives from field offices of the federal agencies that make up the NRT, as well as state representatives. The four major responsibilities of RRTs are: (1) response; (2) planning; (3) training; and (4) coordination.

- Response

RRTs provide a forum for federal agency offices and state agencies to exchange information about their abilities to respond to FOSCs' requests for assistance. As with the NRT, RRT members do not respond directly to releases or spills, but may be called upon to provide technical advice, equipment, or manpower to assist with a response.

- Planning

Each RRT develops a RCP to ensure that the roles of federal and state agencies during an actual incident are clear. Following an incident, the RRT reviews the FOSC's reports to identify problems with the Region's response to the incident and improves the plan as necessary.

- Training

Federal agencies that are members of the RRTs provide simulation exercises of Regional plans to test the abilities of federal, state, and local agencies to coordinate their emergency response activities. Any major problems identified as a result of these exercises may be addressed and changed in the RCP so the same problems do not arise during an actual incident.

- Coordination

The RRTs identify available resources from each federal agency and state within their regions. Such resources include equipment, guidance, training, and technical expertise for dealing with chemical releases or oil spills. When there are too few resources in a region, the RRT can request assistance from federal or state authorities to ensure that sufficient resources will be available during an incident. This coordination by the RRTs assures that resources are used as wisely as possible, and that no Region is lacking what it needs to protect human health and the environment from the effects of a hazardous substance release or oil spill.

- Area Committees

The primary role of the AC is to act as a preparedness and planning body, including developing the ACP. ACs are made up of experienced environmental/response representatives from Federal, State and local government agencies, which have definitive responsibilities for the area's environmental integrity.

Each member is empowered by to make decisions on behalf of the represented agency and to commit that agency to carry out roles and responsibilities as described in this plan. A pre-designated FOSC for the area will serve as chairperson of the committee. He or she will designate general direction and guidance for the Committee and will oversee appointments to any subcommittees.

The AC may solicit advice, guidance, or expertise from all appropriate sources and establish subcommittees as necessary to accomplish the preparedness and planning tasks. Subcommittee participants may include facility owners/operators, shipping company representatives, cleanup contractors, emergency response officials, marine pilots associations, academia, environmental groups, consultants, response organizations and concerned citizens. In EPA Region 6, the AC is the RRT. It is led by the RRT Co-chairs and meets biennially to review the RICP.

- Federal On-Scene Coordinators

The FOSC is the federal official responsible for monitoring or directing responses to all oil spills and hazardous substance releases reported to the federal government.

The FOSC coordinates all federal efforts with, and provides support and information to, local, state and regional response communities.

The FOSC is an agent of either EPA or the USCG, depending on where the incident occurs. EPA FOSCs have primary responsibility for spills and releases to inland areas and waters, while USCG FOSCs have responsibility for coastal waters.

In general, the FOSC has the following key responsibilities during and after a response to a hazardous substance release or an oil spill: (1) assessment; (2) monitoring; (3) response assistance; and (4) evaluation.

- Assessment

The FOSC typically conducts assessment activities at the beginning of a response. Assessment involves evaluating the size and nature of a release or spill, its potential hazards, the resources needed to contain and clean it up, and the ability of the responsible party or local authorities to handle the incident. The results of the assessment are used to determine the need for personnel, equipment, and other resources to promptly and effectively combat the release.

- Monitoring

Most releases or spills are small and are cleaned up by the responsible party or local response agencies. Monitoring comprises those activities taken to ensure that the actions taken to control and clean up a chemical release or oil spill are appropriate. Monitoring can be conducted from the site when necessary, or from an agency office if the situation appears to be under control. In the case of oil spills, the FOSC is legally required to monitor the response if the spill poses a substantial threat to the health and welfare of the public due to its size or characteristics.

- Response Assistance

Once a release or spill has been assessed, the FOSC determines whether federal assistance will be necessary to help control and contain it. If the FOSC decides that federal assistance is required, the FOSC will obtain needed resources such as personnel and equipment. If sufficient resources are not available for an incident, the FOSC decides who pays and can secure federal funding either from the Superfund trust fund for hazardous substance releases or the Oil Spill Liability Trust Fund for oil spills. This assistance ensures that cleanup will not be hindered by a lack in availability of personnel or equipment on behalf of the local or state or responsible party resources.

- Evaluation

Evaluating response actions provides information that is useful for designing or improving spill response plans. The NCP requires that the FOSC report all activities that take place during and after an incident. For example, following an oil spill, the FOSC is required to file a summary report that outlines the actions taken to remedy the spill and the level of assistance provided by local, state, and federal agencies. These reports can be used to identify problem areas and can be shared with other agencies who may make recommendations for improvement.

- Regional Incident Coordination Team (RICT)

The RICT was established to assist the USEPA FOSC and to coordinate Regional response actions and communication during extraordinary emergency situations of:

- national or international significance
- national or international media, congressional, or the public attention
- involves an oil discharge or hazardous substance release that crosses state, regional boundaries
- overwhelms the response capability of the State(s)
- involves a significant threat to population, substantial amounts of property, or natural resources

The RICT does not replace any existing emergency response procedures or functions; rather, it serves as a focal point for overall coordination efforts and brings together a multi-program team to deal with broad issues. The membership of the RICT consists of the Director of EPA Superfund Division as chairperson, and all USEPA division directors and alternates from all regional divisions.

- State On-Scene Coordinators (SOSCs)

The SOSC is the lead-agency state official responsible for monitoring or directing responses to all oil spills and hazardous substances releases reported to the federal government. The SOSC coordinates all federal efforts with, and provides support and information, to local, state and regional response communities. The SOSC is an agent of the lead state agency and works in the unified command with either the EPA FOSC or the USCG FOSC, depending on where the incident occurs.

SOSCs have responsibility for inland waters or coastal waters, based on state regulations and statutes. The SOSC has essentially the same key responsibilities during and after a response to a hazardous substance release or an oil spill as the FOSC:

- assessment;
- mitigation and monitoring;
- response assistance; and
- evaluation.

However, each of these functions is directed at state-level resources and conditions.

- Tribal

The lead Tribal representative is responsible for all Tribal coordination, liaison functions through the Unified Command, and for overseeing all activities on Tribal lands. The Tribal representative directs and coordinates all Tribal resources including any manpower or equipment. Within EPA Region 6, there are 65 federally-recognized tribes in all states except Arkansas (Louisiana - 4, New Mexico - 22, Oklahoma - 36, Texas - 3).

- Trustee

The Federal, State, or Tribal Trustee has lead responsibility for natural resources management during the response and remediation phases. The Trustee, working within the Command Staff and in the Sections, oversees all activities related to assessment of the incident impact to natural resources, any wildlife management and rescue, and restoration of any damaged areas. The Trustee also directs the formal NRDA, is the lead resource for any NRDA claims, and coordinates any NRDA followup activities.

- Local Representative

The lead local agency representative is responsible for the local area assessment, monitoring, response assistance, and evaluation. These functions may be accomplished without the direct assistance of the FOSC or the State FOSC, if the local agency has the resources and the jurisdictional authority to mitigate and remove or remediate the discharge or release. In situations where additional resources are needed a unified command will be established, consisting of the local representative, the SOSC, and the FOSC.

- Potentially Responsible Party

The PRP is the owner of the facility or vessel which is suspected of being the source point for the release or discharge. The PRP is legally responsible for notification, response, removal and/or remediation activities related to the spill or release. Several options available to the PRP to accomplish this tasking include: working in the unified command with the FOSC and the State FOSC; implementing all tasks under the monitoring supervision of the FOSC and/or SOSC; under direct FOSC or SOSC management; or allowing the spill response to be fully directed and implemented by the government.

- Non-governmental Participation

Industry groups, academic organizations, volunteer groups, and others are encouraged to commit resources for response operations. Such resources will be activated by the local agency representative, the State or FOSC. These groups will participate in field activities at the discretion of the lead government official, who is responsible for and must vouch for safety and health qualifications as stated in existing federal regulations under OSHA.

REGIONAL RESPONSE TEAM AGENCIES & RESPONSIBILITIES

Federal RRT Member Agencies

The responsibilities of the Federal agencies listed in this section have been established by statute, executive order, or Presidential directive. The responsibilities listed may apply to Federal actions in the prevention of, or following the discharge of oil or release of a hazardous substance, pollutant, or contaminant.

Additionally, some of these agencies also have duties relating to the restoration, rehabilitation, replacement, or acquisition of equivalent natural resources injured or lost as a result of such discharge or release.

During preparedness planning or in an actual response, these Federal agencies, consistent with their legal authorities and capabilities, may be called upon to provide assistance in their respective areas of expertise, as indicated in this section.

To be responsive to the requirements of this plan, all RRT member agencies should plan for emergencies and develop procedures for addressing oil discharges and releases of hazardous substances, pollutants, or contaminants from vessels and facilities under their jurisdiction, custody, or control.

All Federal Region 6 RRT member agencies should be prepared to provide FOSCs/RPMs with assistance from their respective agencies commensurate with their responsibilities, resources, and capabilities.

Responsibilities common to all RRT member agencies include:

- Providing representatives to the RRT and assisting the RRT in the formulation of the RCP and providing assistance to designated FOSCs in the development of ACPs and when requested during Federal response operations;
- Informing the RRT of changes in the availability of their response resources and;
- Reporting discharges and releases from facilities or vessels under their jurisdiction or control.

RRT federal Member Agencies

U.S. Environmental Protection Agency
Department of Health & Human Services
Department of Transportation
Department of State
Nuclear Regulatory Commission
Department of Commerce
Department of Defense
Department of Justice

Department of Agriculture
Federal Emergency Management Agency
General Services Administration
U.S. Coast Guard
Department of Energy
Department of Interior
Department of Labor

RRT Members' Responsibilities and Functions

- United States Environmental Protection Agency (USEPA)

EPA provides the Co Chair of the Region 6 standing RRT and provides FOSCs for the inland zone. EPA is responsible for providing expertise regarding environmental effects of pollution releases and environmental pollution control techniques. EPA will also advise the RRT and the FOSC of the degree of hazard a particular release poses to the public health and safety, coordinate damage assessment and will generally provide the Scientific Support Coordinator for the inland zone.

- United States Coast Guard (USCG)

The USCG is an agency of DHS. The USCG provides the Co-Chair for the standing RRT and pre-designated FOSCs for the coastal zone. The USCG also supplies expertise in the domestic/international fields of port safety and security, marine law enforcement, navigation, and construction, and the manning, operation,

and safety of vessels and marine facilities. The USCG also provides response support through the Strike Teams and the NSFCC.

- Department Of Health And Human Services (DHHS)

DHHS is responsible for providing expertise and advice on public health and worker safety issues associated with releases or threatened releases of hazardous substances; for providing all health studies and surveys conducted under CERCLA; and for providing and maintaining information concerning the health effects of toxic substances. The principal DHHS response comes from the USPHS.

This response is coordinated from the USPHS regional office. The primary response to a hazardous materials emergency comes from the ATSDR and the CDC. Both ATSDR and CDC maintain a 24 hour emergency response capability. Both agencies provide technical assistance to the lead Federal agency and State and local response agencies on human health threat assessment and analysis and exposure prevention and mitigation.

Such assistance is used for situations requiring evacuation of affected areas, human exposure to hazardous materials and technical advice on mitigation and prevention. CDC takes the lead for assistance in petroleum discharges regulated under the CWA and OPA while ATSDR takes the lead for assistance for chemical releases under CERCLA.

- Department Of Agriculture (USDA)

The USDA has the capability to measure, evaluate and monitor situations where natural resources have been impacted by fire, insects and disease, floods, hazardous substances and other emergencies. The USDA is represented on RRT 6 by the USFS office in Atlanta.

The USFS is responsible for protection and management of national forests and grasslands. The USFS maintains specially trained incident management teams and also has the capability to provide emergency communications systems, specialized aircraft, and human support facilities for large groups of people. In addition, the USDA is among those agencies designated by the NCP as a Federal Trustee for Natural Resources.

Other USDA agencies include:

- The Food and Nutrition Service (FNS), through the Food Distribution Program, provides food as emergency assistance to disaster victims. In appropriate emergency situations, FNS will authorize State agencies to issue food stamps based on emergency procedure. Food Safety and Inspection Service (FSIS) tests meat and poultry products for the presence of violative drugs, chemical residues, and other adulterants.
- ASCS in cooperation with the Forest Service, Soil Conservation Service, and Army Corps of Engineers, is responsible for emergency plans and preparedness programs for food processing, storage, and distribution through the wholesale level. APHIS provides expertise on plant and animal diseases and health.
- NASS serves as a source of data on crops, livestock, poultry, dairy products, and labor. State Statistical Offices collect and publish local information on these topics.

- Department Of Commerce (DOC)

The DOC, through the National Oceanic and Atmospheric Administration (NOAA), provides support to the RRT and the FOSC in areas of scientific support for response and contingency planning in coastal and marine areas, including assessment of the hazards that may be involved, predictions of movement and dispersion of oil and hazardous substances and cleanup and mitigation methods. DOC, through NOAA, has three roles within Region 6:

- Provides SSC, in accordance with the NCP;
- Federal Trustee for Natural Resources, in accordance with the NCP.
- Member of the RRT. Can provide scientific expertise on living marine resources for which it is responsible; provide current and predicted meteorologic, hydrologic, ice, and oceanographic conditions; provide charts and maps; and can provide communication services to the general

public, various levels of government, and the media via its weather wire and weather radio system.

- Department Of Defense (DOD)

The DOD can take all actions necessary to respond to releases of hazardous substances where either the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody or control of DOD. In these situations, DOD will provide the FOSC. DOD also serves as a Federal Trustee for Natural Resources on DOD property.

The USACE provides design services, performs construction services, provides potable water when a source becomes contaminated, conducts modeling activities, manages locks and dams and provides navigation controls for major rivers. The USACE also has an Interagency Agreement with USEPA to conduct community evacuation services when necessary.

The US Navy is the Federal agency most knowledgeable and experienced in ship salvage, shipboard damage control and diving. The USN has an extensive array of specialized equipment and personnel available for use in these areas as well as specialized containment, collection and removal equipment specifically designed for salvage-related and open-sea pollution incidents.

- Department Of Energy (DOE)

The DOE provides the designated FOSC/RPM for responses to releases on or from any facility or vessel under its jurisdiction. DOE also provides radiological emergency planning expertise to the RRT and radiological advice and/or response resources to assist the FOSCs in the mitigation of events involving radioactive materials.

Under the FRERP, DOE also has the initial responsibility for coordinating offsite Federal radiological monitoring and assessment assistance during the response to radiological emergencies. In addition, DOE is among those agencies designated by the NCP as a Federal Trustee for Natural Resources on DOE property.

- Federal Emergency Management Agency (FEMA)

FEMA provides guidance, policy and program advice and technical assistance in hazardous materials, chemical and radiological emergency preparedness activities. FEMA monitors and provides technical assistance regarding public sector emergency response planning, training and exercising for incidents involving hazardous materials.

When the President declares a disaster or emergency, FEMA coordinates Federal assistance, through the activation of the National Response Framework. Coordination with the FCO in a situation where both the RCP and the Regional Response Plan authorities are active takes place through the ESF # 10. During response to a terrorist event, FEMA coordinates Federal response to the clean-up and aftermath.

- General Services Administration (GSA)

The GSA, upon request, provides logistical and telecommunications support to Federal RRT agencies. The support includes, but is not limited to, provision of space, transportation, supplies, telecommunications, and procurement related services. GSA personnel may be located at the scene of the oil or hazardous material release, or at their regular duty stations, depending on the specific requirements of the FOSC or the emergency situation.

- Department Of The Interior (DOI)

DOI will provide, through its Regional Environmental Officer (REO), technical expertise to the FOSC and the RRT with respect to land, fish, wildlife and other resources for which it is responsible. The REO is the designated DOI member to the RRT and can provide information concerning the lands and resources specifically under DOI jurisdiction, as well as offer technical expertise related to geology, hydrology, minerals, fish and wildlife, cultural resources, and recreation resources.

Under Executive Order 12580, DOI is among those agencies designated by the NCP as a Federal Trustee for Natural Resources. DOI has direct jurisdiction for the protection of resources on its own lands, as well as trustee responsibilities for certain natural resources, regardless of location.

The DOI natural resource trusteeship that extends beyond DOI site boundaries includes migratory birds, anadromous fish, and endangered or threatened species and their critical habitat. Within the DOI, individual bureaus have specific responsibilities and capabilities which are listed below.

Each bureau may be contacted through the DOI Regional Environmental Officer. The USFWS provides expertise on migratory birds, endangered and threatened species, and wildlife habitat. USFS can also advise on fish and wildlife protection methods, endangered and threatened species, waters and wetlands and effects on natural resources.

The agency can provide information on national wildlife refuges, national fish hatcheries managed by USFWS, dispersion or capture of birds, and coordination of wildlife rehabilitation activities at spill sites. USFWS issues migratory bird rehabilitation permits to qualified individuals and/or organizations that may be available to assist in rehabilitation operations related to oil spill incidents.

The NPS provides general biological, natural and cultural resource managers to evaluate, measure, monitor and contain threats to park land and resources; historic, archeological, architectural, and recreational resources and sites on the National Register of Historic Places.

The NPS can provide information on units of the national park system, including national parks, lake shores, monuments, national historic sites, rivers, and recreation areas. The USGS provides advice and information concerning geohydrologic, geologic and geochemical data, and ground and surface water data, as well as maps.

USGS maintains stream flow gauges in every State and can provide historical stream flow information, assist in predicting the time/travel/trajectory of spills, and can collect and analyze surface and groundwater samples. The BIA coordinates activities affecting Indian Tribal lands, and provides assistance in identifying Indian Tribal government officials.

The BLM has expertise in minerals, soils, vegetation, archeology, and wildlife habitat. The BOR has expertise in water management, flow control, and water quality improvement. BOR can perform well drilling and subsurface hydrogeological investigation and analysis.

- Department Of Justice (DOJ)

The Department of Justice's primary role is to serve as litigation counsel for the Federal government and as legal counsel on enforcement and inter agency matters. As a consequence, DOJ participation in RRT activities will ordinarily focus on litigation concerns of response activities and inter agency coordination.

In this capacity, the role of the DOJ representative might include: general legal advice; review and comment on regional planning and procedural documents; and incident specific assistance, including assigning staff attorneys when the incident may result in litigation or raise difficult issues of interagency coordination. DOJ, through the FBI, also provides the lead agency for the crisis response to terrorist events.

The DOJ members of the RRT serve as representatives for their agency and not as legal counsel to the RRT or its member agencies. Although the DOJ representative to the RRT is not a substitute for a member agency's in house counsel, the DOJ representative will be able to offer the advice, views, and expertise of the Department with respect to the RRT's long term planning and incident specific functions.

- Department Of Labor (DOL)

DOL, through OSHA, conducts safety and health inspections of hazardous waste sites to ensure employees are being protected and to determine compliance with its regulations. Through OSHA, DOL will also provide the FOSC/RPM with advice, guidance, and assistance regarding hazards to persons involved in response activities and in the precautions necessary to prevent harm to their health and safety.

- The Department Of State (DOS)

The DOS leads in developing joint international contingency plans. It also provides assistance in coordination when a pollution release crosses international boundaries or involves foreign flag vessels.

- Department Of Transportation (DOT)

DOT provides expertise regarding transportation of oil or hazardous materials by all modes of transportation. The PHMSA oversees the safety of more than 800,000 daily shipments of hazardous materials in the United States and 64 percent of the nation's energy that is transported by pipelines.

- Nuclear Regulatory Commission (NRC)

The NRC will respond, as appropriate, to releases of radioactive materials by its licensees to monitor the action of those licensees and assure that the public health and environment are protected and adequate recovery operations are instituted. The NRC will also provide advice to the FOSC and the RRT when assistance is required in identifying the source and character of other hazardous substance releases where the NRC has licensing authority for activities utilizing radioactive materials.